



**ZONING COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
NOVEMBER 7, 2013**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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REQUEST TO MOVE ITEMS TO CONSENT

14.	(260-269)	SD-141 (Control 1981-00190)	PALM BEACH PARK OF COMMERCE 80 ACRE PARCEL
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PREVIOUSLY POSTPONED ZONING APPLICATIONS

4.	(4-28)	DOA-2013-01606 (1978-00273)	PINE TRAIL SHOPPING CENTER
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AMEND ENGINEERING Conditions E1 of Exhibit C to read as follows:

E.1 Prior to issuance of a Building Permit for enclosed building square footage, the Property Owner shall legally create the lot in accordance with Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)

REGULAR AGENDA

D. ZONING APPLICATIONS - NEW

11.	(166-190)	W-2013-02239 (Control 1977-00190)	CENTRAL PALM BEACH SERVICE CENTER
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AMEND ALL PETITION Condition 1 to read as follows:

The approved Preliminary Site Plan is dated September 23, 2013. All ~~m~~Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or Zoning Commission, ~~unless the proposed changes are required to meet Conditions of Approval.~~ (DRO: ZONING - Zoning)



**ORDER OF BUSINESS
ZONING COMMISSION
PALM BEACH COUNTY, FLORIDA**

THURSDAY NOVEMBER 7, 2013

9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Adoption of the Minutes
- F. Swearing In
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.



AGENDA
PALM BEACH COUNTY ZONING COMMISSION

NOVEMBER 7, 2013

CALL TO ORDER

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, Pledge of Allegiance and Quasi-Judicial Notice
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center, Ken Rogers Hearing Room, VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on Thursday, December 5, 2013 to take final action on the applications listed below.

NOTICE

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file.
- E. [Adoption of the Minutes](#)
- F. Swearing In - County Attorney
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **SV/Z/CA-2012-03112** Title: a Subdivison Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow access to a non-residential property from a 60-foot wide ultimate Right-of-Way for Ranches Road, which is 20 feet less than the required 80 feet in width.
Title: an Official Zoning Map Amendment application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow the rezoning from the Single Family Residential (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 Day Care Center.
General Location: South of Hypoluxo Road on the northeast side of Jog Road and Ranches 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 December 6, 2013.

MOTION: To postpone to December 6, 2013.

2. **ZV-2012-03380** Title: a Type II Variance application of AMKBJ Partners Ltd, Agriculture Property Inc by Land Research Management Inc., Agent. Request: to allow the elimination of the perimeter landscape buffers along the western portion of the north and south property lines and the entire west property line.
General Location: 1/4 mile north of the northwest corner of Boynton Beach Boulevard and State Road 7/US 441 on the west side of SR 7/US 441. **(Atlas Peat and Soil)** (Control 1979-00120)

Pages 2 - 2

Project Manager: Donna Adelsperger

Size: 62.80 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends a postponement to December 6, 2013.

MOTION: To postpone to December 6, 2013.

- 3. **ZV-2013-01846** Title: a Type II Variance application of Jasmine Of Palm Beach Ltd by Land Design South Inc., Agent. Request: to allow an increase in the build-to-line on Congress Avenue and Westgate Avenue; to reduce the rear setback; to eliminate the minimum building frontage; number of queuing spaces, and foundation plantings on east and south sides; to reduce the Right-of-Way Buffer and Incompatibility Buffer widths; to increase the allowable easement overlap within a Landscape Buffer; and, to increase the height of a Freestanding Sign location.

General Location: Northwest corner of Congress Avenue and Westgate Avenue. **(Meerdink's Little Ranches)** (Control 1980-00008)

Pages 3 - 3

Project Manager: Roger Ramdeen

Size: 0.61 acres ±

BCC District: 7

Staff Recommendation: Staff recommends a postponement to December 6, 2013.

MOTION: To postpone to December 6, 2013.

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

- 4. **DOA-2013-01606** Title: a Development Order Amendment application of Pine Trail Square Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan to add square footage.

General Location: Southwest corner of Military Trail and Okeechobee Boulevard. **(Pine Trail Shopping Center)** (Control 1978-00273)

Pages 4 - 28

Conditions of Approval Pages (9 - 15)

Project Manager: Roger Ramdeen

Size: 28.07 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 44 Conditions of Approval as indicated in Exhibit C.

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

D. ZONING APPLICATIONS - NEW

- 5. **ZV-2013-02139** Title: a Type II Variance application of Lennar Homes, LLC by Land Design South Inc., Agent. Request: to allow the elimination of the wall in a Type 3 Incompatibility Buffer.

General Location: Approximately 1,300 feet south of Lake Worth Road between Lyons Road and Polo Road. **(Gulfstream PUD-Variance)** (Control 2008-00297)

Pages 29 - 49

Conditions of Approval Pages (36 - 36)

Project Manager: Carol Glasser

Size: 64.75 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow the elimination of the wall in a Type 3 Incompatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C.

6. **Z-2013-01842** Title: an Official Zoning Map Amendment application of Lake Clarke Shores Town Of by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a rezoning from the Residential Multi-Family (RM) Zoning District to Public Ownership District (PO) Zoning District.

General Location: Approximately 700 feet east of the intersection of Seminole Drive and Kewanee Road and 310 feet north of Kewanee Road. **(Town of Lake Clarke Shores Public Works)** (Control 2013-00122)

Pages 50 - 64

Project Manager: Donna Adelsperger

Size: 1.58 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Multi-Family (RM) Zoning District to Public Ownership District (PO) Zoning District.

7. **ZV/DOA/R-2013-01841** Title: a Type II Variance application of Great Western Bank, American Savings & Loan Assn, BB, Lw Jog Sc Ltd, Frontier Lake Worth LLC, J M A Properties Inc by Perry & Taylor PA, Agent. Request: to allow a 24-hour operation (Mondays to Fridays) for a use within 250 feet of residential Zoning District/Use; and 100% encroachment of utility easements within the Landscape Buffer.

Title: a Development Order Amendment application of Great Western Bank, American Savings & Loan Assn, BB, Lw Jog Sc Ltd, Frontier Lake Worth LLC, J M A Properties Inc by Perry & Taylor PA, Agent. Request: to modify the Site Plan and add a use.

Title: a Requested Use application of Great Western Bank, American Savings & Loan Assn, BB, Lw Jog Sc Ltd, Frontier Lake Worth LLC, J M A Properties Inc by Perry & Taylor PA, Agent. Request: to allow a Fitness Center.

General Location: Southeast corner of Lake Worth Road and Jog Road. **(Lake Worth Plaza West)** (Control 1973-00091)

Pages 65 - 90

Conditions of Approval Pages (71 - 75)

Project Manager: Joyce Lawrence

Size: 27.14 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1; and, 19 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving Type II Variances to allow a 24-hour operation (Mondays to Fridays) for a use within 250 feet of residential Zoning District/Use; and 100% encroachment of utility easements within the Landscape Buffer subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan and add a Requested Use subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Requested Use to allow a Fitness Center.

8. **DOA/R-2013-01330** Title: a Development Order Amendment application of Garrison West Palm Retail LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the Site Plan and add square footage and uses.
Title: a Requested Use application of Garrison West Palm Retail LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Type I Restaurant.
General Location: Northeast corner of Southern Boulevard and Sansburys Way. **(Shoppes at Southern Palms)** (Control 2007-00018)

Pages 91 - 118

Conditions of Approval Pages (96 - 103)

Project Manager: Roger Ramdeen

Size: 24.35 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 28 Conditions of Approval as indicated in Exhibit C.

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

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant.

9. **ZV-2013-02110** Title: a Type II Variance application of West Okeechobee Commercial Llc - Bill Reichel by David L. Carpenter & Assoc., Agent. Request: to allow a reduction in the Right-of-Way Buffers widths, to reduce the building setback (west), eliminate a portion of the Compatibility Buffer (west), and to reduce the setback for a Ground Mounted Sign.
General Location: Northwest corner of Okeechobee Boulevard and Spafford Avenue. **(West Okeechobee Commercial)** (Control 1997-30038)

Pages 119 - 138

Conditions of Approval Pages (125 - 125)

Project Manager: David McGuire

Size: 0.58 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the Right-of-Way Buffers widths, to reduce the building setback (west), eliminate a portion of the Compatibility Buffer (west), and to reduce the setback for a Ground Mounted Sign subject to the Conditions of Approval as indicated in Exhibit C.

10. **ZV-2013-01840** Title: a Type II Variance application of Jewish Community Facilities Corp Lessor by Land Design South Inc., Agent. Request: to allow a reduction in the side setback.

General Location: South side of Glades Road at the terminus of 95th Avenue S. (Rainberry PUD) (Control 1984-00139)

Pages 139 - 165

Conditions of Approval Pages (143 - 143)

Project Manager: Carol Glasser

Size: 6.04 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 9 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the side setback subject to the Conditions of Approval in Exhibit C.

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

11. **W-2013-02239** Title: a Type II Waiver application of Tax Collector of Palm Beach County - Anne Gannon by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the required setback for outdoor uses adjacent to residential; to exceed the individual building length; to not provide a Pedestrian Pass Thru; to allow a reduction in the size of the minimum open space; and to allow useable open space along the primary frontage.

General Location: Northwest corner of Landar Drive and Military Trail. **(Central Palm Beach Service Center)** (Control 1977-00190)

Pages 166 - 190

Conditions of Approval Pages (171 - 172)

Project Manager: Donna Adelsperger

Size: 3.29 acres \pm

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 10 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Type II Waiver to allow a reduction in the required setback for outdoor uses adjacent to residential; to exceed the individual building length; to not provide a Pedestrian Pass Thru; to allow a reduction in the size of the minimum open space; and to allow useable open space along the primary frontage subject to the Conditions of Approval as indicated in Exhibit C.

12. **ZV-2013-02127** Title: a Type II Variance application of BW-PC, LLC by Urban Design Kilday Studios, BW-INV- LLC, Agent. Request: to allow the elimination of Incompatibility Buffers; a reduction in side and rear setbacks; a reduction in the separation for Multi-Family structures; and, an increase in building coverage.

General Location: North of Glades Road, east of Florida's Turnpike on Boca West Drive. **(Boca West PUD)** (Control 1985-00007)

Pages 191 - 234

Conditions of Approval Pages (196 - 196)

Project Manager: Carol Glasser

Size: 6.79 acres \pm

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving Type II Variances to allow the elimination of Incompatibility Buffers; a reduction in side and rear setbacks; a reduction in the separation for Multi-Family structures; and, an increase in building coverage subject to the Conditions of Approval as indicated in Exhibit C.

- 13. **ZV-2013-01853** Title: a Type II Variance application of Living Word Lutheran Church (Lca) by Frogner Consulting Inc., Agent. Request: to allow a General Day Care to be permitted at either end of a runway and in an area that extends within five miles from the end of the airport runway.

General Location: South side of Lantana Road, 1/4 mile west of I-95. **(Living Word Lutheran Church)** (Control 1975-00038)

Pages 235 - 259

Conditions of Approval Pages (244 - 244)

Project Manager: Carrie Rechenmacher

Size: 3.32 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a General Day Care, to allow a General Day Care to be permitted at either end of a runway and in an area that extends within five miles from the end of the airport runway.

E. SUBDIVISION VARIANCE

- 14. **SD-141** Title: a Subdivision Variance application of American Equities Ltd. No. 6 by Cotleur & Hearing, Agent. Request: to allow a reduction in the required access width for a non-residential use project.

General Location: East side of Pratt Whitney Road, north of Beeline Highway, in the PIPD Zoning District. (Palm Beach Park of Commerce 80 acre Parcel) (Control 1981-00190)

Pages 260 - 269

Conditions of Approval Pages (263 - 263)

Project Manager: Joanne Keller

Size: 79.86 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Subdivision Variance to allow a reduction in the required access width for a non-residential use project, subject to the Conditions of Approval as indicated in Exhibit C.

END OF REGULAR AGENDA

COMMENTS

- A. COUNTY ATTORNEY
- B. ZONING DIRECTOR
- C. EXECUTIVE DIRECTOR
- D. COMMISSIONERS

ADJOURNMENT