

Board of County Commissioners

Addie L. Greene, Chairperson
Jeff Koons, Vice Chair
Karen T. Marcus
Warren H. Newell
Mary McCarty
Burt Aaronson
Jess Santamaria

County Administrator
Robert Weisman

Department of Planning, Zoning & Building
2300 N. Jog Rd
West Palm Beach, FL 33411
Phone: 561-233-5200
Fax: 561-233-5499



**PALM BEACH COUNTY ZONING COMMISSION
AMENDMENTS TO THE AGENDA
Thursday, February 1, 2007**

AGENDA

ITEM #/PAGE # PETITION / CHANGE

POSTPONEMENTS (30 DAYS TO THE MARCH 1, 2007 HEARING)

- 12. Pgs 37-53 **CB2006-947 LEE ROAD PROPERTY**
(Control 2003-039)
- 15. Pgs 84-107 **DOA2006-344 RAINBERRY PUD PODS A & B**
(Control 1984-139)

REMANDS (WEDNESDAY, MARCH 14, 2007, DRO MEETING)

- 5. Pg 2 **Z/CA2005-477 LEVY LEARNING CENTER**
(Control 2005-193)

AMENDMENTS TO THE AGENDA

- 10. Pgs 6-19 **Z/ZV2006-1692 HINES REZONING)**
(Control 2006-405)

Modify Motion to read as follows:

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

- 11. Pgs 6-19 **Z/CA-2006-503 FOUR BROTHERS RECYCLING**

Add Engineering Condition 3 to read as follows:

- 3. Prior to issuance of a Building Permit, the Property Owner shall plat the subject property into one legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable, provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

17. Pgs 128-162 **TDD/DOA/R/W2006-1186 CANYONS TOWN CENTER TMD**
(Control 2004-471)

Add All Petitions Condition 3 to read as follows:

3. At time of submittal for final approval by the Development Review Officer (DRO), the type and number of variances that were approved by the Board of Adjustment dated December 21, 2006 and the associated conditions of approval shall be added to the site plan. (DRO: ZONING-Zoning)

Modify Arch Review Condition 1 to read as follows:

1. At time of submittal for final approval by the Development Review Officer (DRO), architectural elevations for all buildings and structures shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations shall be designed to be consistent with ULDC Articles 5.C, 3.F.4.D.3. and 3.F.4.D.9., and shall reflect a character that is generally consistent with the elevations prepared by ~~BEAME Architectural Partnership~~ Scott Partnership dated December 22, 2006. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all conditions of approval, and all ULDC requirements. This condition shall apply to Pod A only. (DRO: ARCH REVIEW-Arch Review)

Modify Building and Site Design Condition 2 to read as follows:

2. The loading service area at south facade of Building D-1 shall be designed to include the following:
 - a. A screening wall with a minimum height of eleven (11) feet measured from finished grade to highest point shall be provided for the entire length of ~~this~~ the loading area. These walls shall be architecturally consistent with the building;
 - b. A decorative door, gate, or other acceptable means of screening shall be provided along the entire length of the southeast side of this area, connected to the wall. This screening feature shall remain closed when this ~~service~~ loading area is not in use;
 - c. Planting areas with a minimum width of ~~eight (8)~~ six (6) feet, ~~excluding curb~~, shall be ~~provided along no less than sixty (60) percent of the~~ located between the loading area and the adjacent parking access isle to the south for the entire length of the screening wall;
 - d. The final design and details including landscaping for this ~~loading service~~ area shall be subject to review and approval by the Architectural Review and Landscape Section. (DRO: ZONING-Arch Review/Landscape)

Modify Building and Site Design Condition 3 to read as follows:

3. ~~Decorative gates, doors~~ All dumpsters and trash receptacles shall be screened with walls and decorative doors or other acceptable means of screening. ~~shall be provided for the~~

~~opening to the service areas of Buildings A-2, A-3, and B-2.~~
These screening walls/features shall:

- a. Have a minimum height of eight (8) feet measured from finished grade to highest point;
- b. Be architecturally consistent with the building;
- c. Remain closed when the service areas are not in use; and,
- d. Be subject to review and approval by the Architectural Review Section. (DRO: ZONING-Arch Review)

Delete Building and Site Design Condition 5 and renumber accordingly.

Add Building and Site Design Condition 10 to read as follows:

10. The future development of the Civic Parcel is subject to the AG TMD code requirements, unless the BCC directs staff to modify the ULDC. (ONGOING-ZONING/PREM –Zoning)

Modify Landscape – Standard Condition 5 to read as follows:

5. At time of submittal for final approval by the Development Review Officer (DRO), a landscape plan(s) for the Development Area shall be submitted ~~simultaneously with the site plan~~ for review and approval. All associated details shall be:
 - a. generally consistent with those presented on the Regulating Plan dated ~~June 27, 2005~~ January 12, 2007; and
 - b. add trees along the front facade of buildings D-1 and D-3 and the north facade of building D-2;
 - c. Details including but not limited to plant species quantities shall be provided and subject to review and approval by the Landscape and ~~Architectural Review~~ Sections. (DRO: ZONING -Landscape)

Modify Landscape – Interior Condition 6 to read as follows:

6. A divider median shall be provided between each adjacent lane of any drive-thru as follows:
 - a. a minimum width of ~~six (6)~~ five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries ~~of an overhead~~ on both ingress and egress sides of the canopy;
 - b. The portion of this median that extends beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
 - c. The portion of this median lying beneath the overhead canopy shall be surfaced with brick, pre-cast paver block, or other decorative paving surface. (DRO: ZONING - Zoning)

Modify Landscape – Interior Condition 7 to read as follows:

7. Paving treatment shall be provided for all ~~Plazas main street and pedestrian crossings~~ as indicated on plan dated January 12, 2007 and in the hardscape surfaces surrounding the

interactive fountain for Plaza #1 of Pod A. The treatment shall be either one of the following options or combined options, details shall be subject to the review and approval by the Architectural Review Section at final approval by the Development Review Officer (DRO):

- a. decorative concrete paver block;
- b. stamped concrete;
- c. concrete with bands of decorative paver block at intervals; ~~and, or~~
- d. or any other paving materials acceptable to the Zoning Division. (DRO:~~ZONING-Architectural~~ Review LANDSCAPE-Zoning).

Modify Zoning – Landscaping-West Property Line of the Development Area Condition 9 to read as follows due to Variance (BA2006-1552) approval to eliminate hedge:

9. Landscaping for the west property line of the development area that are required by the ULDC shall be allowed to transfer as additional planting to the other perimeter landscape buffers or interior landscaping:
 - a. subject to review and approval of an Alternative Landscape Plan by the Landscape Section; ~~and,~~
 - b. ~~a hedge with a minimum height of six (6) feet at installation shall be provided along the area where parking spaces abut the Rural Parkway. (DRO BLDG PERMIT:LANDSCAPE-Zoning)~~

Modify Planning Condition 6 to read as follows:

6. Development on the site shall be limited to a maximum of 259,300 square feet of non-residential uses and ~~39~~ 93 dwelling units. (ONGOING: PLANNING - Planning)

Delete School Board Conditions 3 and 4.

Board of County Commissioners

Addie L. Greene, Chairperson
Jeff Koon, Vice Chair
Karen T. Marcus
Warren H. Newell
Mary McCarty
Burt Aaronson
Jess R. Santamaria



County Administrator

Robert Weisman

Department of Planning, Zoning & Building
2300 N. Jog Rd.
West Palm Beach, FL 33411
Phone: 561-233-5200
Fax: 561-233-5165

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

THURSDAY FEBRUARY 1, 2007

**THURSDAY
9:00 AM**

**COMMISSION
CHAMBERS**

1. CALL TO ORDER

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

2. POSTPONEMENTS/REMANDS/WITHDRAWALS (Pages 2-4)

3. CONSENT AGENDA (Pages 5-6)

4. DIRECTOR COMMENTS (Page 7)

5. REGULAR AGENDA (Pages 7-8)

6. COMMISSIONER COMMENTS (Page 8)

7. ADJOURNMENT (Page 8)

Web address: www.pbcgov.com/pzb/

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

**AGENDA
PALM BEACH COUNTY ZONING COMMISSION**

FEBRUARY 1, 2007

1. CALL TO ORDER

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

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.

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

- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Jane M. Thompson Memorial Chambers, 6th Floor, 301 N. Olive Avenue, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments 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, February 22, 2007 to take final action on the applications listed below.

- D. Proof of Publication – Motion to receive and file.
- E. Swearing In – County Attorney.
- F. Disclosures.

2. POSTPONEMENTS/REMANDS/WITHDRAWALS

A. POSTPONEMENTS

1. **ZV2007-016** Title: Resolution approving a Type II Zoning Variance application of Spots Inc., by Kilday & Associates, Inc., Agent. Request: To allow elimination of frontage requirement along an arterial or collector street for a CH-MUPD; to allow reduction of lot size requirement; to allow reduction lot width requirement; to allow increase of Floor Area Ratio exceeding maximum requirement; to allow increase of Building Coverage exceeding maximum requirement; to allow reduction of front setback; to allow reduction of side street setbacks; to allow reduction of side setbacks; to allow elimination of limit on hours of operations; to allow overlap or easement encroachment in R-O-W buffers; to allow width reduction for R-O-W buffers, and to allow deviation of planting pattern for R-O-W buffers. General Location: Located between Kentucky Street and Oklahoma Street on the east side of Congress Avenue. **(MORGAN HOTEL)** (Control 1977-031)

Page 1

Size: 2.51 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to Thursday March 1, 2007.

2. **ZV2006-1746** Title: A Type II Zoning Variance application of John Mckenzie. Request: To allow an accessory structure to encroach in the front setback. General Location: Terminus of 44th Court on the east side. **(MCKENZIE VARIANCE)** (Control 2006-533)

Page N/A

Size: 1.0 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to Thursday March 1, 2007.

3. **ZV2006-1906** Title: Resolution approving a Type II Zoning Variance application of Glades Stor All/Boca Raton Stor All LTD, by Miller Land Planning, Agent. Request: To allow elimination of frontage requirement on an arterial or collector street; to allow increase dimensions of Directional Sign, and to allow increase of sign height. General Location: Approximately 570 feet north of Glades Road and 0.25 mile west of Florida's Turnpike. **(GLADES STOR ALL MUPD)** (Control 2004-00201)

Page N/A

Size: 4.0 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to Thursday March 1, 2007.

4. **ZV2006-1751** Title: A Type II Zoning Variance application of Thomas Liberati. Request: To allow a gazebo and deck to encroach into the rear setback and easement. General Location: Approximately 1 mile east of Powerline Road and 0.25 mile south of Palmetto Park Road **(LIBERATI VARIANCE)** (Control 1973-085)

Page N/A

Size: 0.17 acres ±

BCC District: 4

MOTION: To postpone thirty (30) days to Thursday March 1, 2007.

5. **Z/CA2005-477** Title: An Official Zoning Map Amendment application of Levy Ventures Limited Partnership, by Jon E. Schmidt & Associates, Agent. Request: Rezoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District. Title: Resolution denying a Class A Conditional Use application of Levy Ventures Limited Partnership, by Jon E. Schmidt & Associates, Agent. Request: To deny a private school. General Location: Southeast corner of Bates Road and Northlake Boulevard. **(LEVY LEARNING CENTER)** (Control 2005-193)

Page 2

Size: 0.98 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to Thursday March 1, 2007.

6. **Z/DOA2006-185** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Family Bedner, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the Specialized Commercial (CS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: Resolution approving a Development Order Amendment application of Family Bedner, by Jon E. Schmidt & Associates, Agent. Request: To add land area. General Location: Northeast corner of Boynton Beach Boulevard and Lawrence Road. **(BOYNTON & LAWRENCE OFFICE MUPD)** (Control 1981-219)

Page 3

Size: 2.92 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to Thursday March 1, 2007.

7. **CA2006-734** Title: Resolution approving a Class A Conditional Use application of Planet Kids XII, Inc., by Land Research Management, Inc., Agent. Request: To allow a daycare, general. General Location: North side of Okeechobee Boulevard approximately 925 feet west of "C" Road. **(PLANET KIDS XII)** (Control 2006-248)

Page 4

Size: 5.0 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday March 1, 2007.

B. REMANDS

8. **CA2006-733** Title: A Class A Conditional Use application of Brahmdeo Persaud. Request: To allow the Transfer of Development Rights. General Location: Approximately 829 feet east of Haverhill Road on the north side of Dryden Road. **(DRYDEN APARTMENTS)** (Control 2006-253)

Page 5

Size: 2.56 acres ±

BCC District: 2

MOTION: To remand to the February 14, 2007 Development Review Officer meeting.

C. WITHDRAWALS

9. **ZV2006-1764** Title: A Type II Zoning Variance application of Jean Gutkin, by Cerrito Electric, Agent. Request: To allow a generator between the street side facade and the right-of-way. General Location: 14491 Cypress Island Circle-2 blocks north of Donald Ross Road off Prosperity Farms Road. **(KOCH GENERATOR)** (Control 1980-054)

Page N/A

Size: .20 acres ±

BCC District: 1

MOTION: To Administratively withdraw due to ULDC amendment approval January 25, 2007.

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS

3. CONSENT AGENDA

A. ZONING APPLICATIONS – CONSENT

10. **Z/ZV2006-1692** Title: Resolution approving an Official Zoning Map Amendment application of James Hines. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. Title: Resolution approving a Type II Variance application of James Hines. Request: To allow reduction in the side setback. General Location: Approximately 3,200 feet north of the intersection of 1st Road North and Lantana Road. **(HINES REZONING)** (Control 2006-405)

Pages 6-19

Size: .72 acres ±

BCC District: 2

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow reduction in the side setback.

11. **Z/CA2006-503** Title: Resolution approving an Official Zoning Map Amendment application of Four Brothers Recycling, Inc., by Urban Land Consulting, Agent. Request: Rezoning from the Light Industrial (IL) Zoning District to the General Industrial (IG) Zoning District. Title: Resolution approving a Class A Conditional Use application of Four Brothers Recycling, Inc., by Urban Land Consulting, Agent. Request: To allow a salvage or junk yard. General Location: Approximately 850 feet north of Southern Boulevard on the west side of Benoist Farms Road. **(FOUR BROTHERS RECYCLING)** (Control 2003-039)

Pages 20-36

Size: 15.90 acres ±

BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment from the Light Industrial Zoning District to the General Industrial Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow a salvage or junk yard.

12. **CB2006-947** Title: Resolution approving a Class B Conditional Use application of Boynton Beach Associates, XXIII, LLLP, by Urban Design Studio, Agent. Request: To allow Agricultural, Sales and Service. General Location: Northwest corner of Lee Road and State Road 7/US 441. **(LEE ROAD PROPERTY)** (Control 2006-361)

Pages 37-53

Size: 5.0 acres ±

BCC District: 5

MOTION: To Adopt a Resolution approving a Class B Conditional Use to allow Agricultural, Sales and Service.

B. ZONING VARIANCE - CONSENT

13. **ZV2006-1905** Title: Resolution approving a Type II Zoning Variance application of Jog Commerce Park, LLC, by Miller Land Planning, Agent. Request: To allow substitution for a 6 foot high wall requirement within the landscape buffer. General Location: Approximately 0.19 mile west of Florida Turnpike and 0.52 mile south of Okeechobee Blvd. **(JOG COMMERCE PARK VARIANCE)** (Control 2005-460)

Pages 54-61

Size: .20 acres ±

BCC District: 1

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow substitution for a 6 foot high wall requirement within the landscape buffer.

– END OF CONSENT AGENDA –

- START OF REGULAR AGENDA -

4. DIRECTOR COMMENTS

Treasure Coast Smart Growth Presentation

5. REGULAR AGENDA

A. PREVIOUSLY POSTPONED ITEMS

14. **PDD/R2005-1625** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Four JR Corporation, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) and Specialized Commercial (CS) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District. Title: Resolution approving a Requested Use application of Four JR Corporation, by Land Research Management, Inc., Agent. Request: To allow a self-service storage facility. General Location: Approximately 4 mile west of SR 710 on the north side of Northlake Boulevard. **(NORTHLAKE SELF-STORAGE)** (Control 2005-599)

Pages 62-83

Size: 9.88 acres ±

BCC District: 1

MOTION: To recommend denial of an Official Zoning Map Amendment from the Agricultural Residential and Specialized Commercial Zoning Districts to the Multiple Use Planned Development Zoning District.

MOTION: To recommend denial of a Requested Use to allow a self-service storage facility

15. **DOA2006-344** Title: A Development Order Amendment application of Jewish Community Facilities Corp, by Land Design South, Inc., Agent. Request: To modify a condition of approval. General Location: Approximately one half mile south of Glades Road on the east side of 95th Avenue. **(RAINBERRY PUD PODS A & B)** (Control 1984-139)

Pages 84-107

Size: 2.55 acres ±

BCC District: 5

MOTION: To recommend approval of a Development Order Amendment to modify a condition of approval.

B. ZONING APPLICATION

16. **PDD2006-948** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Coral Lakes Apartments, Inc., Daniel Perez, by Cotleur & Hearing, Inc., Agent. Request: Rezoning from the Multiple Use Planned Development (MUPD) District to the Residential Planned Unit Development (PUD) District. General Location: Approximately 123 feet north of Melaleuca Road on the west side of Congress Avenue. **(CORAL LAKES PUD)** (Control 2003-058)

Pages 108-127

Size: 37.55 acres ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment Rezoning from the Multiple Use Planned Development District to the Residential Planned Unit Development District.

17. **TDD/DOA/R/W2006-1186** Title: Resolution approving a Traditional Development District application of Boynton Beach Associates, X, LLP, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Traditional Marketplace Development (AGR-TMD) District. Title: Resolution approving a Development Order Amendment application of Boynton Beach Associates X, LLP, by Kilday & Associates, Inc., Agent. Request: To reconfigure master plan and add land area. Title: Resolution approving a Requested Use application of Boynton Beach Associates X, LLP, by Kilday & Associates, Inc., Agent. Request: Three (3) Type 1 restaurants and a single tenant in excess of 25, 000 square feet. Title: Resolution approving a Development Order Amendment application of Boynton Beach Associates X, LLP, by Kilday & Associates, Inc., Agent. Request: To allow for a Block Structure Waiver and to allow for a Main Street Waiver. General Location: Southeast corner of Lyons Road and Boynton Beach Boulevard. **(CANYONS TOWN CENTER TMD)** (Control 2004-471)

Pages 128-162

Size: 125.82 acres ±

BCC District: 2

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Traditional Marketplace Development District.

MOTION: To recommend approval of a Development Order Amendment to reconfigure master plan and add land area.

MOTION: To recommend approval of a Requested Use to allow three (3) Type 1 restaurants and a single tenant in excess of 25, 000 square feet.

MOTION: To recommend approval of a Waiver to allow for a Block Structure Waiver and to allow for a Main Street Waiver.

6. COMMISSIONER COMMENTS

Chair Election

7. ADJOURNMENT