

**Board of County Commissioners**

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**PALM BEACH COUNTY ZONING COMMISSION  
AMENDMENTS TO THE AGENDA  
Friday, January 5, 2007**

**AGENDA**

**ITEM #/PAGE #    PETITION / CHANGE**

**ADD ON UNDER DIRECTOR COMMENTS**

**DIRECTOR COMMENTS**

Pg 10 Treasure Coast Smart Growth Presentation

**AMENDMENTS TO THE AGENDA**

7.      Pgs 35-39    **ZV2006-1745 WILLIAMS VARIANCE**  
(Control 2006-532)

To amend the request to read:

Request: To allow the existing single family dwelling to encroach into the required front setback and ~~to allow the shed to encroach~~ into the required side interior setback.

Modify Motion to read as follows:

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow the existing single family dwelling to encroach into the required front setback and ~~to allow the shed to encroach~~ into the required side interior setback.

**MOVE TO CONSENT**

15.     Pgs 118-138 **ZV2006-1757 MINI-ASSEMBLAGE PUD**  
(Control 2005-008)

Delete Condition 3.

Modify Motion to read as follows:

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow the setback reduction ~~from 25 to 20 feet for Pods C-1, D and E for models 5 and 7 and to allow the setback reduction~~ from 25 to 22.5 feet for Pods C-1, D and E for model 1.

17. Pgs 145-164 **PDD/ZV2006-708 SYKES COMMERCIAL**  
(Control 1982-129)

Add Engineering Conditions 2 and 3 to read as follows:

1. The property owner shall pay a Fair Share Fee in the amount equal to 1½ times the required impact fee. This increased impact fee payment to be paid at the time of issuance of the first Building Permit. (ONGOING: ACCOUNTING-Impact Fee Coordinator)
  
2. The following strategies shall be implemented and shall be coordinated with the County Engineer and shall include but not be limited to:
  - A. Encourage the use of mass transit usage to and from the site thru:
    - 1) Provision of bus stops and bus stop signs within the site
    - 2) Distribution and posting of bus schedules onsite
    - 3) Coordination with Palm Tran and or other mass transit service within the site if feasible as determined by Palm Tran
    - 4) Provide for Bicycle facilities onsite
  
  - B. Encourage Employers to provide staggered work hours for their employees within the Center.
  
  - C. Coordinate with South FL Commuter Services to facilitate a reduction in the number of vehicle trips by employees at this center through participation in its ride sharing programs. (ONGOING)

18. Pgs 165-180 **Z2006-952COBBLESTONE SQUARE**  
(Control 2005-631)

Add Landscape Condition 4 and renumber accordingly:

LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

4. In addition to code requirements and the proposed landscaping and/or buffer width along the north property line shall be upgraded to include:
  - a. a six (6) foot high black, vinyl chain link fence with a minimum of eight (8) foot wide gate opening to allow connectivity pursuant to Planning Condition 4. Height of the fence shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property;
  - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - c. a six (6) foot high hedge to be installed along the interior side of the fence, except in the area where the gate opening is required. (BLDG PERMIT: LANDSCAPE - Zoning)

Modify Landscape Condition 4, which has been renumbered to 5, to read as follows:

~~LANDSCAPE - STANDARD-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINE (ABUTTING RESIDENTIAL)~~

- 4-5. In addition to code requirements and the proposed landscaping and/or buffer width along the ~~north~~ and east property line shall be upgraded to include:
- a. a six (6) foot high opaque concrete (specify one type; panel or block) wall. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
  - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

Modify Sign Condition 1.e to read as follows:

- 1.e. signs shall be limited to identification of project name and tenants only. (BLDG PERMIT: BLDG - Zoning)

19. Pgs 181-206 **DOA2006-955 LAKE WORTH SELF STORAGE**  
(Control 1996-004)

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

- a. Caretaker's quarter and the office, buildings A and S, shall be limited to twenty-five (25) feet;

**PULL OFF CONSENT**

5. Pgs 2-26 **DOA2006-344 (RAINBERRY PUD PODS A & B)**  
(Control 1984-139)

Modify Engineering Condition 19.B to read as follows:

19. B) Construction shall be completed prior to ~~July 2, 2007~~.  
issuance of a building permit for the new guard house.  
(DATE: MONITORING-Eng)

**AMENDMENTS TO THE AGENDA**

21. Pgs 226-272 **TDD/DOA/ZV2006-1190 DELRAY MARKETPLACE TMD**  
(Control 2004-616)

Modify Motion to read as follows:

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a variance from the maximum building height; ~~and to allow less than 50% arcaded sidewalk along the primary frontage to not be contiguous~~ to eliminate contiguous length of a Main Street Primary Frontage.

Addie L. Greene, Chairperson  
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**ORDER OF BUSINESS  
ZONING COMMISSION  
PALM BEACH COUNTY, FLORIDA**

**FRIDAY, JANUARY 5, 2007**

**FRIDAY  
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/WITHDRAWALS (Pages 2-3)**
- 3. CONSENT AGENDA (Pages 4-6)**
- 4. REGULAR AGENDA (Pages 7-10)**
- 5. COMMISSIONER COMMENTS (Page 10)**
- 6. DIRECTOR COMMENTS (Page 10)**
- 7. ADJOURNMENT (Page 10)**

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

**AGENDA  
PALM BEACH COUNTY ZONING COMMISSION**

**JANUARY 5, 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, 6<sup>th</sup> 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, 6<sup>th</sup> Floor, at 9:30 A.M. on Thursday, January 25, 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

A. POSTPONEMENTS

- 1. **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 1A

Size: 0.98 acres ±

BCC District: 1

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

- 2. **CA2006-733** Title: A Class A Conditional Use application of Brahmedo 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 1

Size: 2.56 acres ±

BCC District: 2

MOTION: To postpone sixty (60) days to Thursday March 1, 2007.

- 3. **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 N/A

Size: 2.92 acres ±

BCC District: 3

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

**B. ZV POSTPONEMENTS**

4. **ZV2006-1751** Title: A Type II Zoning Variance application of Thomas Liberati. Request: To allow a gazebo 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)

Pages N/A

Size: 0.17 acres ±

BCC District: 4

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

**END OF POSTPONEMENTS**

3. CONSENT AGENDA

A. ZONING APPLICATIONS – CONSENT

- 5. **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 2-26

Size: 2.55 acres ±

BCC District: 5

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

B. ZONING VARIANCE - CONSENT

- 6. **ZV2006-1744** Title: A Type II Zoning Variance application of Grand Slam Two, LLC, by Gentile, Holloway, O'Mahoney & Associates, Agent. Request: To allow a reduction in the required number of parking spaces. General Location: Approximately 0.5 mile north of 10<sup>th</sup> Avenue North on the west side of Boutwell Road. **(SUNRISE DETOXIFICATION CENTER)** (Control 2003-104)

Pages 27-34

Size: 0.72 acres ±

BCC District: 3

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the required number of parking spaces.

- 7. **ZV2006-1745** Title: A Type II Zoning Variance application of Betty Williams. Request: To allow the existing single family dwelling to encroach into the required front setback and to allow the shed to encroach into the required side interior setback. General Location: Approximately 1 mile south of County Line Road and 1.5 miles west of US 1. **(WILLIAMS VARIANCE)** (Control 2006-532)

Pages 35-39

Size: .31 acres ±

BCC District: 1

MOTION: To adopt a resolution approving a Type II Zoning Variance o allow the existing single family dwelling to encroach into the required front setback and to allow the shed to encroach into the required side interior setback.



8. **ZV2006-1747** Title: A Type II Zoning Variance application of Melissa Gollin, by Kirk Gundersen, Agent. Request: To allow a proposed expansion of a single family home to encroach into the side interior setback. General Location: Approximately 0.2 miles south and east of the intersection of Palmetto Park Road and Lyons Road. **(GOLLIN VARIANCE)** (Control 1978-157)

Pages 40-46

Size: .21 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a proposed expansion of a single family home to encroach into the side interior setback.

9. **ZV2006-1748** Title: A Type II Zoning Variance application of OK Ventures, LLC, and Stuart Ledis, by Greenberg Traurig, PA, Agent. Request: To allow a variance from the minimum lot depth. General Location: Approximately 0.06 miles south of Belvedere Road on the west side of Jog. **STUART LEDIS)** (Control 2003-020)

Pages 47-50

Size: 2.55 acres ±

BCC District: 6

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a variance from the minimum lot depth.

10. **ZV2006-1752** Title: A Type II Zoning Variance application of Stonebridge Golf and Country Club, by Land Research Management, Inc., Agent. Request: To allow a generator to be placed between the front facade and the right-of-way. Request: General Location: Approximately 0.75 mile north of Clint Moore Road on the west side of SR 7/US 441. **(STONEBRIDGE COUNTRY CLUB)** (Control 1983-107)

Pages 51-56

Size: 116.06 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a generator to be placed between the front facade and the right-of-way.

11. **ZV2006-1755** Title: A Type II Zoning Variance application of Branch Banking, by Jon E Schmidt & Associates, Agent. Request: To allow encroachment of easements into the landscape buffers for the North and West property lines. General Location: Approximately 500 feet east of Hagen Ranch Road on the south side of Boynton Beach Boulevard. **(BOYNTON BEACH SELF STORAGE - BANK SITE)** (Control 1990-017)

Pages 57-67

Size: 6.32 acres ±  
(affected 1.16 acres)

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow encroachment of easements into the landscape buffers for the North and West property lines.

12. **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)

Pages 68-73

Size: .20 acres ±

BCC District: 1

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a generator between the street side facade and the right-of-way.

– END OF CONSENT AGENDA –

## - START OF REGULAR AGENDA -

## 4. REGULAR AGENDA

## A. PREVIOUSLY POSTPONED ITEMS

13. **PDD/DOA/2006-189** Title: An Official Zoning Map Amendment to a Planned Development District application of Health Hippocrates, by Miller Land Planning, Agent. Request: Rezoning from the Agricultural Residential (AR) and the Residential Transitional (RT) Zoning Districts to the Residential Planned Unit Development (PUD) Zoning District. Title: A Development Order Amendment application of Health Hippocrates, by Miller Land Planning, Agent. Request: To add land area, add square footage, add residents, reconfigure the site plan and modify the conditions of approval to the Hippocrates Planned Unit Development. Title: A Development Order Abandonment application of Health Hippocrates, by Miller Land Planning, Agent. Request: To adopt a resolution approving the abandonment of the Special Exception to allow a Congregate Living Facility. General Location: On the west side of Skees Road between Golden River Drive and Palmdale Road. **(HIPPOCRATES PUD/CLF)** (Control 1987-032)

Pages 74-99

Size: 30.46 acres ±

BCC District: 2

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential and the Residential Transitional Zoning Districts to the Residential Planned Unit Development Zoning District.

MOTION: To recommend approval of a Development Order Amendment to add land area, add square footage, add residents, reconfigure the site plan and modify the conditions of approval to the Hippocrates Planned Unit Development.

MOTION: To recommend approval of the abandonment of the Special Exception to allow a Congregate Living Facility.

14. **Z/CA2006-936** Title: An Official Zoning Map Amendment application of Joel and Marlene Dalva by William Upthegrove, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District Title: Resolution approving a Class A Conditional Use application of Joel and Marlene Dalva by William Upthegrove, Agent. Request: To allow a daycare, general. General Location: Northeast corner of Lyons Road and Dillman Road. **(GODDARD SCHOOL)** (Control 2006-363)

Pages 100-117

Size: 1.77 acres ±

BCC District: 6

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

MOTION: To recommend approval of a Class A Conditional Use to allow a daycare, general.

**B. ZV ZONING APPLICATIONS**

15. **ZV2006-1757** Title: A Type II Zoning Variance application of Boynton Beach Associates, XXI, by Kilday & Associates, Inc., Agent. Request: To allow the setback reduction from 25 to 20 feet for Pods C-1, D and E for models 5 and 7 and to allow the setback reduction from 25 to 22.5 feet for Pods C-1, D and E for model 1. General Location: West side of Hagen Ranch Road south of Boynton Beach Boulevard. **(MINI-ASSEMBLAGE PUD)** (Control 2005-008)

Pages 118-138

Size: 157.088 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow the setback reduction from 25 to 20 feet for Pods C-1, D and E for models 5 and 7 and to allow the setback reduction from 25 to 22.5 feet for Pods C-1, D and E for model 1.

16. **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)

Pages 139-144

Size: 1.0 acres ±

BCC District: 3

MOTION: To adopt a resolution denying a Type II Zoning Variance to allow an accessory structure to encroach in the front setback.

**C. ZONING APPLICATION**

17. **PDD/ZV2006-708** Title: An Official Zoning Map Amendment to a Planned Development District application of Southern Capital Resource Partners, LLC, by David L. Carpenter & Associates, Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: A Type II Variance application of Southern Capital Resource Partners, LLC, by David L. Carpenter & Associates, Agent. Request: To not allow direct access from arterial/collector and to allow wall signs not facing a R-O-W. General Location: Approximately 600 feet west of Drexel Road on the south side of Okeechobee Boulevard. **(SYKES COMMERCIAL)** (Control 1982-129)

Pages 145-164

Size: 7.26 acres ±

BCC District: 2

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

MOTION: To adopt a resolution approving a Type II Zoning Variance to not allow direct access from arterial/collector and to allow wall signs not facing a R-O-W.

18. **Z2006-952** Title: An Official Zoning Map Amendment application of Andrea and Joseph Ricardel, by Land Design South, Inc., Agent. Request: Rezoning from the Neighborhood Commercial (CN) and the Multi-family Residential (RM) Zoning Districts to the General Commercial (CG) Zoning District with a Conditional Overlay Zone. General Location: Approximately 0.2 miles north of Melaleuca Lane on the east side of Military Trail. **(COBBLESTONE SQUARE)** (Control 2005-631)

Pages 165-180

Size: 1.76 acres ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment from the Neighborhood Commercial and the Multi-family Residential Zoning Districts to the General Commercial (CG) Zoning District with a Conditional Overlay Zone.

19. **DOA2006-955** Title: A Development Order Amendment application of Lake Worth Self-Storage Limited, by Gentile, Holloway, O'Mahoney & Associates, Agent. Request: To reconfigure the site plan, reduce square footage and modify conditions of approval. General Location: Northwest corner of the Florida's Turnpike and Lake Worth Road. **(LAKE WORTH SELF STORAGE)** (Control 1996-004)

Pages 181-206

Size: 17.28 acres ±

BCC District: 6

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, reduce square footage and modify conditions of approval.

20. **PDD2006-956** Title: An Official Zoning Map Amendment to a Planned Development District application of Grove Nurseries, Inc., Kimberly Hill, by Kimley Horn and Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Northeast corner of Boynton Beach Boulevard and the Florida's Turnpike. **(THE GROVE MUPD)** (Control 2006-367)

Pages 207-225

Size: 9.64 acres ±

BCC District: 5

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

21. **TDD/DOA/ZV2006-1190** Title: An Official Zoning Map Amendment to a Planned Development District application of KRG/Atlantic Delray Beach, LLC, by Urban Design Studio, Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Agricultural Reserve Traditional Marketplace Development (AGR/TMD) Zoning District. Title: Resolution approving a Development Order Amendment application of KRG/Atlantic Delray Beach, LLC, by Urban Design Studio, Agent. Request: To add land area, reconfigure master plan and modify conditions of approval. Title: Resolution approving a Type II Variance application of KRG/Atlantic Delray Beach, LLC, by Urban Design Studio, Agent. Request: To allow a variance from maximum building height and to allow less than 50% arcaded sidewalk along the primary frontage to not be contiguous. General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(DELRAY MARKETPLACE TMD)** (Control 2004-616)

Pages 226-272

Size: 34.0 acres ±

BCC District: 5

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

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

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a variance from the maximum building height and to allow less than 50% arcaded sidewalk along the primary frontage to not be contiguous.

**5. COMMISSIONER COMMENTS**

**6. DIRECTOR COMMENTS**

**7. ADJOURNMENT**