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

**THURSDAY NOVEMBER 5, 2009**

**9:00 A.M.**

**Vista Center 1st Floor 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**

**DIRECTOR COMMENTS**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

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

**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**NOVEMBER 5, 2009**

**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 1st Floor 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 Tuesday, December 8, 2009 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. **ZV-2009-02685** Title: a Type II Variance application of Richard Fulcher by Land Design South Inc., Agent. Request: to allow a reduction in required parking spaces.

General Location: Approximately 0.5 miles east of the intersection of Okeechobee Blvd. and Jog Road. (**Vista Center Parcel 23 - Subparcel 5**) (Control 1984-00130)

Pages 1 - 1

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

Staff Recommendation: To recommend postponement of the application to December 4, 2009.

**MOTION:** To postpone the application to December 4, 2009.

**B. REMANDS**

- 2. **PDD/TDR-2008-01907** Title: an Official Zoning Map Amendment to a Planned Development District application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Transfer of Development Rights application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow the Transfer of Development Rights for 89 units, approve the reduced cost of \$1.00 per unit, and designate the subject property as the receiving area.

General Location: Approximately 1000 feet north of Hypoluxo Road, on the east side of Military Trail. (**Southern Trails PUD**) (Control 2003-00501)

Pages

Project Manager: Ora Owensby

Size: 21.80 acres ±

BCC District: 3

Staff Recommendation: To remand to the Development Review Officer.

**MOTION:** To remand to the Development Review Officer.

**C. WITHDRAWALS**

3. **ZV-2009-03935** Title: a Type II Variance application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a reduction in minimum land area for a Planned Industrial Park Development (PIPD)  
General Location: Southwest corner of Belvedere Road and Cleary Road (**MPC III Turnpike Business Park**) (Control 2002-00011)

Pages 2 - 2

Project Manager: Carol Glasser

Size: 47.83 acres ±

BCC District: 6

(affected area 38.80 acres ±)

Staff Recommendation: None required. Withdrawn by applicant.

**MOTION:** None required. Withdrawn by applicant.

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

- A. REQUESTS TO PULL ITEMS FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**

4. **ZV/W-2008-01516** Title: a Type II Variance application of dba Verizon Wireless by SBA Network Services Inc., Agent. Request: to allow a reduction in minimum lot size and front setback for an accessory structure.  
Title: a Waiver of Dimensional Criteria application of dba Verizon Wireless by SBA Network Services Inc., Agent. Request: to allow a reduction of setbacks from the north and east property lines for a communication tower.  
General Location: West side of SR7/US441 approximately 1.25 miles north of Clint Moore Road. (**Verizon/FPL Pinewood Substation**) (Control 2001-00019)

Pages 3 - 40  
 Conditions of Approval Pages (18 - 19)  
 Project Manager: Carol Glasser  
 Size: 4.39 acres ±  
 (affected area 0.03 acres ±)

BCC District: 5

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

**MOTION:** To adopt a resolution approving Type II Variances for a reduction in minimum lot size and front setback for an accessory structure subject to the Conditions of Approval as indicated in Exhibit C-1.  
**MOTION:** None required. (Waiver approved by the BCC)

5. **ZV-2009-03916** Title: a Type II Zoning Variance application of Paul Tremblay by Greenberg Traurig PA, Agent. Request: to extend hours of operation for a commercial use adjacent to a residential district.  
General Location: Northwest corner of Military Trail and Okeechobee Boulevard. (**CVS Store No. CS 49771**) (Control 1976-00138)

Pages 41 - 61  
 Conditions of Approval Pages (49 - 49)  
 Project Manager: Donna Adelsperger  
 Size: 4.20 acres ±  
 (affected area 3.94 acres ±)

BCC District: 2

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 Zoning Variance to extend the hours of operation for a commercial use adjacent to a residential district subject to the Conditions of Approval as indicated in Exhibit C.

6. **ZV-2009-03932** Title: a Type II Zoning Variance application of Rita Romano by Miller Land Planning, Agent. Request: to allow a reduction of the required setbacks for the existing structures, to allow the existing buildings to encroach into the required landscaping buffers, and to allow an accessory structure in the side street yard.

General Location: West side of Skees Road between Golden River Drive and Palmdale Road ( **Hippocrates PUD/CLF**) (Control 1987-00032)

Pages 62 - 86

Conditions of Approval Pages (80 - 80)

Project Manager: Andrea Harper

Size: 7.36 acres ±

BCC District: 2

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 Zoning Variance to allow a reduction of the required setbacks for the existing structures, to allow the existing building to encroach into the required landscaping buffers and to allow an accessory structure in the side street yard subject to the Conditions of Approval as indicated in Exhibit C.

7. **DOA-2008-01360** Title: a Development Order Amendment application of Beach Delray by Andrew Pizey, Agent. Request: to add square footage and reconfigure the site plan

General Location: Approximately 200 feet north of Ridgewood Road East the west side of Barwick Road (**Kingdom Hall of Jehovah Witnesses**) (Control 1987-00054)

Pages 87 - 105

Conditions of Approval Pages (99 - 101)

Project Manager: Andrea Harper

Size: 2.00 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval as indicated in Exhibit C.

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

- 8. **DOA/R-2009-03288** Title: a Development Order Amendment application of Jeffrey Josephson by Covelli Design Associates Inc., Agent. Request: to add a Requested Use to the Master Plan  
Title: a Requested Use application of Jeffrey Josephson by Covelli Design Associates Inc., Agent. Request: to allow a Pawnshop  
General Location: Southwest corner of Palmetto Park Road and Powerline Road **(Raymond Lee Jewelers)** (Control 1981-00115)

Pages 106 - 136

Conditions of Approval Pages (119 - 126)

Project Manager: Carol Glasser

Size: 5.76 acres ±

BCC District: 4

(affected area 1.00 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 47 Conditions of Approval indicated in Exhibit C-1 and 3 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Amendment to add a Requested Use to the Master Plan subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use to allow a Pawnshop subject to the Conditions of Approval as indicated in Exhibit C-2.

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**



**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

- 9. **DOA/CA-2008-01358** Title: a Development Order Amendment application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to add square footage, reconfigure site plan and to modify and delete conditions of approval  
Title: a Class A Conditional Use application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to allow for the expansion of the previously approved Convenience Store with Gas Sales  
General Location: Southwest corner of US 441 and Atlantic Avenue. **(Stop and Shop)** (Control 1999-00029)

Pages 137 - 176

Conditions of Approval Pages (158 - 167)

Project Manager: Wendy Hernandez

Size: 5.10 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 43 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of the Development Order Amendment to add square footage, reconfigure the site plan, and to modify and delete Conditions of Approval (Architectural Review, Building and Site Design, Use Limitations, Engineering, Landscape, Health, and Sign) subject to the Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of the Class A Conditional Use to allow for the expansion of the previously approved Convenience Store with Gas Sales within the Agricultural Reserve (AGR) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

- 10. **DOA-2009-02672** Title: a Development Order Amendment application of Centers Southland by Land Design South Inc., Agent. Request: to amend a Condition of Approval (Use Limitation)  
General Location: Northeast corner of Jog Road and Lake Ida Road, Delray Beach, Florida. **(Spalding Property)** (Control 1999-00092)

Pages 177 - 215

Conditions of Approval Pages (196 - 209)

Project Manager: Ora Owensby

Size: 25.82 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 65 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to modify a Condition of Approval (Use Limitation) subject to the Conditions of Approval indicated in Exhibit C.

**D. ZONING APPLICATIONS - NEW**

**DIRECTOR COMMENTS**

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**