

Board of County Commissioners

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District 3
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County Administrator

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

THURSDAY AUGUST 2, 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 (Page 2)

3. CONSENT AGENDA (Pages 3-7)

4. REGULAR AGENDA (Pages 8-12)

5. COMMISSIONER COMMENTS (Page 12)

6. DIRECTOR COMMENTS (Page 12)

7. ADJOURNMENT (Page 12)

Web address: www.pbcgov.com/pzb/

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

**AGENDA
PALM BEACH COUNTY ZONING COMMISSION**

AUGUST 2, 2007

1. 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 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, 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, August 23, 2007 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.

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.

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

2. POSTPONEMENTS

A. POSTPONEMENTS

- 1. **PDD2006-960** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Woolbright Investment Group, LLC, by Gentile, Holloway, O'Mahoney & Associates, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Approximately 200 feet west of Jog Road on the south side of Woolbright Road. **(WOOLBRIGHT OFFICE CENTER)** (Control 2006-305)

Page 1

Size: 3.62 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to Thursday September 6, 2007.

- 2. **PDD/R2006-1675** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of GKK-Hagen, Ltd., by F. Martin Perry & Associates, P.A., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: Resolution approving a Requested Use application of GKK-Hagen, Ltd., by F. Martin Perry & Associates, P.A., Agent. Request: To allow financial institutions (2) with drive through lanes, and a Type II Restaurant. General Location: Northwest corner of Hagen Ranch Road and Boynton Beach Boulevard. **(HAGEN RANCH/BOYNTON BEACH MUPD)** (Control 2006-520)

Page 2

Size: 3.70 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to Thursday September 6, 2007.

- 3. **PDD2007-055** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Panattoni Development Company, LLC, by Gentile, Holloway, O'Mahoney & Assoc, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Northeast corner of Southern Boulevard and Sansbury's Way. **(SOUTHERN/SANSBURY'S MUPD)** (Control 2007-018)

Pages 3

Size: 24.35 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday September 6, 2007.

END OF POSTPONEMENTS

3. CONSENT AGENDA

A. ZONING APPLICATIONS – CONSENT

4. **PDD/TDR2006-1554** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of In The Pines, Inc., by Miller Land Planning, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District Title: Resolution approving a Transfer of Development Rights application of In The Pines, Inc., by Miller Land Planning, Agent. Request: To allow the Transfer of Development Rights for eleven (11) units and designate this application as the receiving area. General Location: Approximately 1 mile north of Lake Ida Road on the east side of Hagen Ranch Road. **(IN THE PINES NORTH)** (Control 2006-503)

Pages 4-31

Conditions of Approval (29) Pages 22-31

Size: 5.28 acres ±

BCC District: 5

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

MOTION: To recommend approval to allow the Transfer of Development Rights for eleven (11) units and designate this application as the receiving area.

5. **ZV2007-727** Title: Resolution approving a Type II Zoning Variance application of Timothy Lawrence, by Surge Solutions Group, Agent. Request: To allow a reduction of the side setback. General Location: Approximately 300 feet east of Acapulco Avenue on Dunes Road. **(LAWRENCE VARIANCE)** (Control 2007-235)

Pages 32-37

Size: .20 acres ±

BCC District: 1

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

6. **Z2007-336** Title: Resolution approving an Official Zoning Map Amendment application of Palm Beach County, by Palm Beach County, Agent. Request: Rezoning from the Agricultural Production (AP) Zoning District to the Public Ownership (PO) Zoning District. General Location: Southeast corner of the intersection of Southern Boulevard (State Road 80) and Main Street (State Road 15). **(WEST COUNTY JAIL EXPANSION)** (Control 1991-002)

Pages 38-54

Conditions of Approval (10) Pages 52-54

Size: 618.93 acres ±
Affected 92.57 acres ±

BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Production Zoning District to the Public Ownership Zoning District.

7. **Z/CA2006-1901** Title: Resolution approving an Official Zoning Map Amendment application of Military Trail Development Group, LLC, by Miller Land Planning, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District. Title: Resolution approving a Class A Conditional Use application of Military Trail Development Group, LLC., by Miller Land Planning, Agent. Request: To allow townhomes. General Location: Southeast corner of Military Trail and Old Military Trail. **(GLENWOOD TOWNHOMES)** (Control 2005-589)

Pages 55-80

Conditions of Approval (25) Pages 70-80

Size: 8.01 acres ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow townhomes.

8. **DOA2007-181** Title: Resolution approving a Development Order Amendment application of Temple Shaarei Shalom, Inc., by Kilday & Associates, Inc., Agent. Request: To modify site plan and add square footage. General Location: Northwest corner of Hagen Ranch and Travis Lane. **(TEMPLE SHAARIEI SHALOM EXPANSION)** (Control 1997-078)

Pages 81-113

Conditions of Approval (66) Pages 93-113

Size: 4.41 acres ±

BCC District: 3

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

9. **DOA2007-050** Title: Resolution approving a Development Order Amendment application of Exel Properties, Ltd., by Anna S. Cottrell & Associates, Agent. Request: To add a financial institution and reconfigure the site plan. General Location: Northeast corner of Palmetto Road and Ponderrosa Drive. **(PENINSULA BANK AT LOGGERS RUN)** (Control 1975-068)

Pages 114-139

Conditions of Approval (47) Pages 129-139

Size: 12.56 acres ±
Affected 0.30 acres ±

BCC District: 5

MOTION: To recommend approval of a Development Order Amendment to add a financial institution, reconfigure the site plan, and modify conditions of approval.

10. **DOA2007-527** Title: Resolution approving a Development Order Amendment application of Okeelanta, Corp., by Kilday & Associates, Inc., Agent. Request: To add land area and reconfigure site plan. General Location: Approximately 2 miles west of US 27, south of the Bolles Canal at the Okeelanta CO-Generation Facility. **(OKEELANTA CO-GENERATION FACILITY)** (Control 1992-014)

Pages 140-162

Conditions of Approval (17) Pages 153-162

Size: 4411.19 acres ±
Affected area 349.34 acres ±

BCC District: 6

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

11. **Z2007-532** Title: Resolution approving an Official Zoning Map Amendment application of Palm Beach County. Request: Rezoning from the Agricultural Residential (AR) to the Public Ownership (PO) Zoning District. General Location: Northwest corner of Indiantown Road and Mack Dairy Road. **(INDIANTOWN ROAD FIRE STATION 14)** (Control 2007-173)

Pages 163-175

Conditions of Approval (7) Page 173-175

Size: 2.67 acres ±

BCC District: 1

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

12. **DOA2007-333** Title: Resolution approving a Development Order Amendment application of Temple Medical, LLC, by Miller Land Planning, Agent. Request: To modify/delete a condition of approval. General Location: Approximately 600 feet south of Linton Boulevard on the west side of Jog Road. **(TEMPLE MEDICAL)** (Control 2005-081)

Pages 176-198

Conditions of Approval (27) Pages 188-198

Size: 1.50 acres ±

BCC District: 5

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

13. **ZV2006-1851** Title: Resolution approving a Type II Zoning Variance application of James Johnson. Request: To allow a proposed accessory dwelling to encroach into the rear setback and to allow an accessory structure to occupy more than 25 percent of the distance between the property lines. General Location: Approximately 0.24 miles south of Gun Club Road and 0.58 miles west of Haverhill Road. **(JOHNSON VARIANCE)** (Control 2006-545)

Pages 199-211

Size: 0.29 acres ±

BCC District: 6

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a proposed accessory dwelling to encroach into the rear setback and to allow an accessory structure to occupy more than 25 percent of the distance between the property lines.

14. **ZV2007-733** Title: Resolution approving a Type II Zoning Variance application of Edward Kloss, by Urban Design Studio, Agent. Request: To reduce the required number of parking spaces, to allow 100% encroachment of utility easement within a landscape buffer, to allow the reduction of a right-of-way buffer for Lantana Road, to allow the reduction of a right-of-way buffer for Old Congress Road and to allow reduction of an incompatibility buffer. General Location: Southwest corner of Lantana Road and Old Congress Road. **(PALACE SKATEWAY)** (Control 1981-151)

Pages 212-224

Size: 2.39 acres ±

BCC District: 3

MOTION: To adopt a resolution approving a Type II Zoning Variance to reduce the required number of parking spaces, to allow 100% encroachment of utility easement within a landscape buffer, to allow the reduction of a right-of-way buffer for Lantana Road, to allow the reduction of a right-of-way buffer for Old Congress Road and to allow reduction of an incompatibility buffer.

CONSENT AGENDA

15. **ZV2007-891** Title: Resolution approving a Type II Zoning Variance application of MHC Capital, LLC, by Kilday & Associates, Inc., Agent. Request: To allow a reduction in the minimum lot width. General Location: Northwest corner of Southern Boulevard and Sansburys Way. **(CYPRESS POINT MUPD)** (Control 2007-242)

Pages 225-234

Size: 6.32 acres ±

BCC District: 6

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the minimum lot width.

16. **ZV-2007-889** Title: Resolution approving a Type II Zoning Variance application of TITF Dept of Corrections, by Kilday & Associates, Inc., Agent. Request: To waive platting requirements for a Planned Development District. General Location: West of Main Street/SR15 on the south side of Hooker Highway/SR 80. **(GLADES REPLACEMENT HOSPITAL)** (Control 2006-277)

Pages 235-241

Size: 238.11 acres ±

BCC District: 6

Affected area 50.0 acres ±

MOTION: To adopt a resolution approving a Type II Zoning Variance to waive platting requirements for a Planned Development District.

B. CORRECTIVE RESOLUTIONS

17. **ZV2006-1927 Gadd Variance** Exhibit D Variance Request (ZR-2007-027)

Pages 242-243

MOTION: To correct Exhibit D Variance Request

18. **ZV2006-1925 Public Storage** conditions reference incorrect permit number. (ZR-2007-024)

Pages 244-245

MOTION: To correct incorrect permit number

– END OF CONSENT AGENDA –

- START OF REGULAR AGENDA -

4. REGULAR AGENDA

A. PREVIOUSLY POSTPONED ITEMS

19. **Z/CA2006-022** Title: Resolution approving an Official Zoning Map Amendment application of Colonial Lake, LLC, by Kim Glas-Castro, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multi-family Residential (RM) Zoning District. Title: Resolution approving a Class A Conditional Use application of Colonial Lakes, LLC, by Kim Glas-Castro, Agent. Request: To allow the transfer of development rights. General Location: Approximately 130 feet west of Haverhill Road on the south side of Lake Worth Road. **(COLONIAL LAKES)** (Control 2006-010)

Pages 246-271

Conditions of Approval (32) Pages 265-271

Size: 9.84 acres ±

BCC District: 2

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

MOTION: To recommend approval of a Class A Conditional Use to allow the transfer of development rights.

20. **CA/TDR2006-1555** Title: Resolution approving a Class A Conditional Use application of Vivendi Homes, LLC, by Ruden, McClosky, Agent. Request: To allow the Transfer of Development Rights for 9 units. General Location: Approximately 300 feet east of Kirk Road on the south side of Melaleuca Lane. **(VIVENDI)** (Control 2000-111)

Page 272-290

Conditions of Approval (20) Pages 286-290

Size: 3.50 acres ±

BCC District: 3

MOTION: To recommend approval of a Class A Conditional Use to allow the transfer of development rights.

21. **ZV2007-725** Title: Resolution denying a Type II Zoning Variance application of Signature Storage Property Owner, LLC, by Kilday & Associates, Inc., Agent. Request: To allow a wall sign not facing a right-of-way, to allow an increase in square footage of wall sign, and to reduce the number of terminal islands. General Location: Terminus of Venture Center Way approximately 0.5 mile west of Hagen Ranch Road. **(KAHLERT SSSF)** (Control 1998-073)

Pages 290-297

Size: 4.85 acres ±

BCC District: 5

MOTION: To adopt a resolution denying a Type II Zoning Variance to allow a wall sign not facing a right-of-way, to allow an increase in square footage of wall sign.

22. **ZV2007-328** Title: Resolution approving a Type II Zoning Variance application of Boca Raton Stor All, Ltd., by Miller Land Planning, Agent. Request: To allow an off site directional sign to be located in excess of 50 feet from the point of ingress; and an increase in sign height and face area of an off site directional. General Location: Located on the north side of Piccadilly Square, approximately 570 feet north of Glades Road and 880 west of Florida Turnpike. **(GLADES STORALL)** (Control 2004-201)

Pages 298-313

Size: 4.22 acres ±

BCC District: 5

MOTION: To adopt a resolution denying a Type II Zoning Variance for an off site directional sign to be located in excess of 50 feet from the point of ingress; and an increase in sign height and face area of an off site directional.

C. ZONING APPLICATION

23. **ZV2007-881** Title: Resolution denying a Type II Zoning Variance application of Shadowood Square, Ltd., by Signations, Agent. Request: To allow a wall sign on a rear facade that does not face a street and to allow an increase in sign face area. General Location: Northwest corner of Glades Road and US441/SR7. **(SHADOWOOD SQUARE REGAL CINEMA)** (Control 1973-043)

Pages 314-321

Size: 34.18 acres ±

BCC District: 5

Affected area 0.83 acres ±

MOTION: To adopt a resolution denying a Type II Zoning Variance to allow a wall sign on a rear facade that does not face a street and to allow an increase in sign face area.

24. **Z/CA2006-1818** Title: Resolution denying an Official Zoning Map Amendment application of Ok Ventures, LLC, and Stuart Ledis, by Greenberg Traurig, PA, Agent. Request: Rezoning from the Single Family Residential (RS) Zoning District to the Community Commercial (CC) Zoning District. Title: Resolution denying a Class A Conditional Use application of Ok Ventures, LLC, and Stuart Ledis, by Greenberg Traurig, PA, Agent. Request: To allow a convenience store with gas sales. General Location: Southwest corner of Belvedere Road and Jog Road. **(LEDIS REZONING)** (Control 2003-020)

Pages 322-343

Size: 2.55 acres ±

BCC District: 6

MOTION: To recommend denial of an Official Zoning Map Amendment from the Single Family Residential Zoning District to the Community Commercial Zoning District.

MOTION: To recommend denial of a Class A Conditional Use to allow a convenience store with gas sales.

25. **Z/CA2006-1557** Title: Resolution approving an Official Zoning Map Amendment application of Philadelphia Church Of The Nazarene, Inc., by Ruden, McClosky, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District. Title: Resolution approving a Class A Conditional Use application of Philadelphia Church Of The Nazarene, Inc., by Ruden, McClosky, Agent. Request: To allow a place of worship and a daycare, general. General Location: Approximately 377 feet north of Horseshoe Circle North on west side of Haverhill Road. **(PHILADELPHIA CHURCH OF NAZARENE)** (Control 2006-504)

Pages 344-363

Conditions of Approval (22) Pages 356-359

Size: 4.76 acres ±

BCC District: 2

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

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

26. **Z/CA2006-1678** Title: Resolution denying an Official Zoning Map Amendment application of BP Products, by Siegel, Lipman, Dunay, Shepard, & Miskel, Agent. Request: Rezoning from the Multi-family Residential (RM) Zoning District to the General Commercial (CG) Zoning District. Title: Resolution denying Class A Conditional Use application of BP Products by Siegel, Lipman, Dunay, Shepard, & Miskel, Agent. Request: To allow a convenience store with gas sales and car wash. General Location: Southwest corner of Haverhill Road and Wallis Road. **(BP AT WALLIS AND HAVERHILL)** (Control 2006-522)

Pages 364-383

Size: 2.15 acres ±

BCC District: 6

MOTION: To recommend denial of an Official Zoning Map Amendment from the Multi-family Residential Zoning District to the General Commercial Zoning District.

MOTION: To recommend denial of a Class A Conditional Use to allow a convenience store with gas sales and car wash.

27. **Z/CA2006-1914** Title: Resolution approving an Official Zoning Map Amendment application of Jorge Sarria, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District. Title: Resolution approving a Class A Conditional Use application of Jorge Sarria, by Jon E Schmidt & Associates, Agent. Request: To allow the transfer of development rights for 10 units. General Location: Approximately 1300 feet north of Belvedere Road on the west side of Haverhill Road. **(THE RESIDENCES AT HAVERHILL) (2006-551)**

Pages 384-416

Conditions of Approval (20) Pages 403-406

Size: 2.70 acres ±

BCC District: 2

MOTION: To recommend approval of an Official Zoning Map Amendment from the Residential High Density Zoning District to the Multi-family Residential Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow the transfer of development rights for 10 units.

28. **DOA2006-1694** Title: Resolution approving a Development Order Amendment application of Haitian Bethel Baptist Church, Inc., Jean Joint, Robert Borgelin, by Ron Uphoff, Agent. Request: To reconfigure the site plan and add square footage. General Location: High Ridge Road approximately .44 miles south of Hypoluxo Road. **(FRIENDSHIP BAPTIST CHURCH) (Control 1979-077)**

Pages 417-433

Conditions of Approval (26) Pages 450-457

Size: 1.93 acres ±

BCC District: 3

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and add square footage.

29. **CA2007-205** Title: Resolution approving a Class A Conditional Use application of Florida Rock Industries, Inc., U S Sugar Corp., by Casey, Ciklin, Lubitz, Agent. Request: To allow a Type IIIB Excavation. General Location: Approximately 4 miles south of Lake Okeechobee and 3 miles west of US Highway 27. **(LAKE HARBOR QUARRY) (Control 2007-054)**

Pages 434-475

Conditions of Approval () Pages 450-457

Size: 7351.24 acres ±

BCC District: 6

Affected area 640.0 acres ±

MOTION: To recommend approval of a Class A Conditional Use to allow a Type IIIB Excavation.

30. **Z2007-522** Title: Resolution approving An Official Zoning Map Amendment application of Rosso Realty, LLC, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR), Residential Estate (RE), and Residential Transition (RT) Zoning Districts to the Light Industrial (IL) Zoning District. General Location: The north side of Wallis Road, approximately .2 mile east of Cleary Road. **(ROSSO PAVING)** (Control 2007-172)

Pages 476-498

Conditions of Approval (9) Pages 487-489

Size: 4.63 acres ±

BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential, Residential Estate, and Residential Transition Zoning Districts to the Light Industrial Zoning District.

- 5. **COMMISSIONER COMMENTS**
- 6. **DIRECTOR COMMENTS**
- 7. **ADJOURNMENT**