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

THURSDAY MARCH 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 2-3)**
- 3. CONSENT AGENDA (Pages 4-5)**
- 4. REGULAR AGENDA (Pages 6-8)**
- 5. COMMISSIONER COMMENTS (Page 8)**
- 6. DIRECTOR 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**

MARCH 1, 2007

1. CALL TO ORDER

- A. Roll Call – 9:00 A.M.
- B. 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, March 22, 2007 to take final action on the applications listed below.

- C. 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.

- 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 sixty (60) days to Thursday May 3, 2007.

2. **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)

Page 2

Size: 5.0 acres ±

BCC District: 5

MOTION: To postpone sixty (60) days to Thursday May 3, 2007.

B. REMANDS

3. **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 3

Size: 5.0 acres ±

BCC District: 6

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

C. WITHDRAWALS

4. **Z1976-101** Title: Resolution approving an Official Zoning Map Amendment petition of PBC BCC, Warren H. Newell Chairman by PBC Zoning Division, Agent. Request: Rezoning from Preservation/Conservation to Public Ownership Zoning District with a Conditional Overlay Zone. General Location: Approx. 1,000 feet northeast of the Port of Palm Beach, and approximately 1,500 feet west of Lake Worth Inlet, 0.1 mile south of Blue Heron Boulevard. **(PEANUT ISLAND REZONING)**.

Page N/A

Size: 125.57acres ±

BCC District: 1

MOTION: None (Applicant Requested).

END OF POSTPONEMENTS/WITHDRAWALS

3. CONSENT AGENDA

A. ZONING VARIANCE - CONSENT

5. **ZV2006-1916** Title: Resolution approving Type II Zoning Variance application of James Walter. Request: To allow a single family dwelling to encroach into the front setback. General Location: Two (2) blocks west of Melon Road and 1/2 block north of Randolph Siding Road. **(WALTER VARIANCE)** (Control 2006-552)

Pages 4-12

Size: 1.22 acres ±

BCC District: 1

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a single family dwelling to encroach into the front setback.

6. **ZV2006-1929** Title: Resolution approving Type II Zoning Variance application of Five Partners, Ltd., by Boose, Casey, Ciklin, Lubitz, Agent. Request: To allow the reduction of the right-of-way buffer. General Location: Southwest corner of Jog Road and Biscoff Road. **(FIVE PARTNERS VARIANCE)** (Control 2005-129)

Pages 13-18

Size: 0.94 acres ±

BCC District: 6

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow the reduction of the right-of-way buffer.

7. **ZV2007-036** Title: Resolution approving a Type II Variance application of Peter Braadland Request: To allow a screen enclosure to encroach into the rear setback. General Location: Approximately .06 of a mile east of State Road 7/US441 and .04 of a mile north of New England Boulevard. **(BRAADLAND VARIANCE)** (Control 1978-005)

Pages 19-23

Size: 0.19 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a screen enclosure to encroach into the rear setback.

8. **ZV2007-061** Title: Resolution approving a Type II Variance application of Alweiss Enterprises, by South East Architect Services, Inc., Agent. Request: To allow reduction for the Right-Of-Way buffer width. General Location: West side of Military Trail and approximately .25 mile north of Flavor Pict Road. **(DELRAY COMMONS VARIANCE)** (Control 1984-163)

Pages 24-30

Size: 4.04 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow reduction for the Right-Of-Way buffer width.

B. ZONING APPLICATIONS – CONSENT

C. ABANDONMENTS

9. **ABN2006-1924** Request: To revoke Resolution ZR-1995-002, which approved a Class B Conditional Use to allow a medical/dental clinic. **CARIDAD MEDICAL** (Control 1983-067)

Pages 31-33

BCC District: 5

MOTION: To adopt a resolution approving the abandonment of Resolution ZR-1995-002.

– END OF CONSENT AGENDA –

- START OF REGULAR AGENDA -

4. REGULAR AGENDA

A. PREVIOUSLY POSTPONED VARIANCE ITEMS

10. **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 34-51

Size: 1.0 acres ±

BCC District: 3

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

11. **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 2004-201)

Pages 52-70

Size: 4.0 acres ±

BCC District: 5

MOTION: To deny a Type II Zoning Variance to allow elimination of frontage requirement on an arterial or collector street.

MOTION: To deny a Type II Zoning Variance to allow increase dimensions of directional sign, and to allow increase of sign height.

12. **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)

Pages 71-76

Size: 0.17 acres ±

BCC District: 4

MOTION: To deny a Type II Zoning Variance to allow a gazebo to encroach into the rear setback and easement.

PREVIOUSLY POSTPONED ITEMS

13. **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 77-100

Size: 2.55 acres ±

BCC District: 5

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

14. **Z/DOA/ZV2006-185** 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. Title: Resolution approving a Type II Zoning Variance application of Family Bedner, by Jon E. Schmidt & Associates, Agent. Request: To allow 100% of a buffer within an easement. General Location: Northeast corner of Boynton Beach Boulevard and Lawrence Road. **(BOYNTON & LAWRENCE OFFICE MUPD)** (Control 1981-219)

Pages 101-122

Size: 3.17 acres ±

BCC District: 3

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

MOTION: To recommend approval of a Development Order Amendment to add land area.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow 100% of a buffer within an easement.

15. **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 123-144

Size: 18.16 acres ±

BCC District: 3

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

B. ZONING APPLICATION-VARIANCE

16. **ZV2006-1925** Title: Resolution approving Type II Zoning Variance application of Jonathan Bell. Request: To allow a replacement freestanding sign to exceed the maximum height. General Location: Northwest Corner of Hypoluxo Road and I-95. **(PUBLIC STORAGE)** (Control 1977-043)

Pages 145-158

Size: 8.79 acres ±

BCC District: 3

MOTION: To deny a Type II Zoning Variance to allow a replacement freestanding sign to exceed the maximum height.

C. ZONING APPLICATION

17. **Z2006-963** Title: Resolution approving an Official Zoning Map Amendment application of SRR Holdings, LLC, by Miller Land Planning, Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District. General Location: Approximately 2,200 feet north of Lantana Road on the west side of State Road 7/US441. **(CARLYLES SHOPS)** (Control 2006-368)

Pages 159-172

Size: 1.05 acres ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment from the General Commercial Zoning District to the Community Commercial Zoning District with a Conditional Overlay Zone.

5. COMMISSIONER COMMENTS

6. DIRECTOR COMMENTS

7. ADJOURNMENT