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

THURSDAY AUGUST 7, 2008

9:00 AM

**301 NORTH OLIVE AVENUE, WEST PALM BEACH, 6TH FLOOR
JANE M. THOMPSON MEMORIAL CHAMBERS**

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

POSTPONEMENTS/REMANDS/WITHDRAWALS

CONSENT AGENDA

REGULAR AGENDA

COMMISSIONER COMMENTS

DIRECTOR COMMENTS

ADJOURNMENT

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 7, 2008

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 AM. 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 9:00 A.M. on Thursday, August 28, 2008 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.

POSTPONEMENTS/REMANDS/WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD-2006-01682** Title: an Official Zoning Map Amendment to a Planned Development District application of W & W IX LLC by Land Design South Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District..

General Location: Southeast corner of 112th Terrace and Northlake Boulevard. **(112th/Northlake Office)** (Control 2006-00529)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 10.68 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday September 4, 2008.

- 2. **Z/DOA/CA-2007-01185** Title: an Official Zoning Map Amendment application of Winners Church International by Land Research Management Inc., Agent. Request: rezoning from the Agricultural Residential (AR) Zoning District to the Residential Estate (RE) Zoning District.

Title: a Development Order Amendment application of Winners Church International by Land Research Management Inc., Agent. Request: to reconfigure the site plan, add land area, and add building square footage.

Title: a Class A Conditional Use application of Winners Church International by Land Research Management Inc., Agent. Request: to allow a Daycare, General.

General Location: Southwest corner of Jog Road and Pioneer Road. **(Winners Church)** (Control 1985-00072)

Pages 2 - 2

Project Manager: Ora Owensby

Size: 16.04 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to September 4, 2008.

B. REMANDS

C. WITHDRAWALS

CONSENT AGENDA

B. ZONING APPLICATIONS

- 3. **DOA/R-2008-00285** Title: a Development Order Amendment application of Weinbaum Yeshiva High School by Land Design South Inc., Agent. Request: to reconfigure the master plan.
Title: a Requested Use application of Weinbaum Yeshiva High School by Land Design South Inc., Agent. Request: to allow a Secondary School.
General Location: Approximately 0.5 miles south of Glades Road and 0.3 miles east of SR7/US441. **(Weinbaum Yeshiva High School)** (Control 1997-00056)

Pages 3 - 31

(28) Conditions of Approval Pages(19 - 26)

Project Manager: Carol Glasser

Size: 59.40 acres ±
(affected area 5.90 acres ±)

BCC District: 5

MOTION: To recommend approval of a Development Order Amendment to reconfigure the master plan.

MOTION: To recommend approval of a Requested Use to allow a Secondary School.

- 4. **PDD-2007-01792** Title: an Official Zoning Map Amendment to a Planned Development District. application of MPC 3 LLC by McCraney Property Co., Agent. Request: Rezoning from the Planned Unit Development (PUD) Zoning District to the Planned Industrial Park Development (PIPD) Zoning District.
General Location: Southwest corner of Belvedere Road and Cleary Road. **(MPC III Turnpike Business Park)** (Control 2002-00011)

Pages 32 - 57

(27) Conditions of Approval Pages(46 - 49)

Project Manager: Autumn Sorrow

Size: 48.69 acres ±

BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment from the Planned Unit Development (PUD) Zoning District to the Planned Industrial Park Development (PIPD) Zoning District.

- 5. **Z-2007-01808** Title: an Official Zoning Map Amendment application of Mike Gilley by Frogner Consulting LLC, Agent. Request: Rezoning from the Agriculture Residential (AR) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ).
General Location: Southwest corner of Military Trail and Wenhart Road. **(Military Medical)** (Control 2007-00428)

Pages 58 - 80

(22) Conditions of Approval Pages(70 - 73)

Project Manager: Carol Glasser

Size: 1.52 acres ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agriculture Residential (AR) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ)

6. **ZV/Z/CA-2007-00852** Title: a Type II Zoning Variance application of Barbara McMillin by Urban Design Studio, Agent. Request: To allow a reduction of the right-of-way buffer, a reduction of the incompatibility buffer, a reduction of the dimensions of access ways, a reduction of the pedestrian walk, and a reduction of the continuous walkway from the street to the building entrance.
Title: An Official Zoning Map Amendment application of Barbara McMillin by Urban Design Studio, Agent. Request: Rezoning from the Public Ownership (PO) Zoning District to the Single-family Residential (RS) Zoning District.
Title: A Class A Conditional Use application of Barbara McMillin by Urban Design Studio, Agent. Request: To allow a Type 3 Congregate Living Facility (CLF).
General Location: West of Florida's Turnpike on the south side of Pioneer Road. **(Kid Sanctuary)** (Control 2007-00238)

Pages 81 - 111

(18) Conditions of Approval Pages(97 - 101)

Project Manager: Autumn Sorrow

Size: 5.57 acres ±

BCC District: 6

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction of the right-of-way buffer, a reduction of the incompatibility buffer, a reduction of the dimensions of access ways, a reduction of the pedestrian walk, and a reduction of the continuous walkway from the street to the building entrance

MOTION: To recommend approval of an Official Zoning Map Amendment from the Public Ownership (PO) Zoning District to the Single-family Residential (RS) Zoning District

MOTION: To recommend approval of a Class A Conditional Use to allow a Type III Congregate Living Facility (CLF).

7. **Z-2008-00610** Title: an Official Zoning Map Amendment application of Luis Rodrigues. Request: Rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District..
General Location: Southwest corner of Military Trail and Pine Tree Drive. **(Rodrigues Rezoning)** (Control 2004-00340)

Pages 112 - 131

(2) Conditions of Approval Pages(123 - 123)

Project Manager: Carol Glasser

Size: 0.54 acres ±

BCC District: 5

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District with a Conditional Overlay Zone (COZ).

8. **DOA/R-2007-01401** Title: a Development Order Amendment. application of Achva Vahava LLC by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: To add square footage and reconfigure site plan.
Title: a Requested Use. application of Achva Vahava LLC by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: To allow a place of worship..
General Location: Southwest corner of Powerline Road and Boca Grove Boulevard. (**Grove Center Office POBP**) (Control 1981-00170)

Pages 132 - 155

(27) Conditions of Approval Pages(146 - 150)

Project Manager: William Cross

Size: 3.46 acres ±
(affected area 0.45 acres ±)

BCC District: 5

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

MOTION: To recommend approval of a Requested Use to allow a place of worship.

9. **Z/CA-2007-01618** Title: an Official Zoning Map Amendment application of Westgate One LLC by Land Design South Inc., Agent. Request: from the Neighborhood Commercial (CN) Zoning District to the General Commercial (CG) Zoning District.
Title: a Class A Conditional Use application of Westgate One LLC by Land Design South Inc., Agent. Request: to exceed 10 dwelling units an acre.
General Location: south side of Westgate Avenue between Wabasso Drive and Tallahassee Drive. (**Westgate One**) (Control 2007-00343)

Pages 156 - 181

(14) Conditions of Approval Pages(177 - 179)

Project Manager: David McGuire

Size: 0.99 acres ±

BCC District: 2

MOTION: To recommend approval of an Official Zoning Map Amendment rezoning from the Neighborhood Commercial (CN) Zoning District to the General Commercial (CG) Zoning District

MOTION: To recommend approval of a Class A Conditional Use to exceed 10 dwelling units per acre within the Westgate Overlay

10. **Z-2008-00624** Title: an Official Zoning Map Amendment application of Audrey Wolf by Palm Beach County, Agent. Request: rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.
General Location: Southeast corner of Lake Worth Road and Charleston Street. (**Fire-Rescue Station #32**) (Control 2008-00093)

Pages 182 - 194

(6) Conditions of Approval Pages(193 - 194)

Project Manager: Ora Owensby

Size: 0.83 acres ±

BCC District: 2

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

REGULAR AGENDA

C. PREVIOUSLY POSTPONED ITEMS

- 11. **Z/CA-2008-00294** Title: an Official Zoning Map Amendment application of Florida Sevashram Sangha Inc by Jon E Schmidt & Associates, Agent. Request: rezoning from the Residential Transitional Urban (RTU) Zoning District to the Residential Single-family (RS) Zoning District.
Title: a Class A Conditional Use application of Florida Sevashram Sangha Inc by Jon E Schmidt & Associates, Agent. Request: to allow a Place of Worship.
General Location: Northeast corner of Lantana Road and Bentbrook Boulevard. **(Florida Sevashram Sangha)** (Control 1995-00044)

Pages 195 - 215

(12) Conditions of Approval Pages(209 - 211)

Project Manager: Carol Glasser

Size: 1.65 acres ±

BCC District: 2

MOTION: To recommend approval of an Official Zoning Map Amendment from the Residential Transitional Urban (RTU) Zoning District to the Residential Single Family (RS) Zoning District with a Conditional Overlay Zone (COZ).

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

- 12. **ZV/DOA/R-2007-01597** Title: a Type II Zoning Variance application of Publix Super Markets Inc by Ruden McClosky, Agent. Request: To allow a reduction on the foundation planting along the north, south, east, and west sides of the proposed Auto Service Station.
Title: a Development Order Amendment application of Publix Super Markets Inc by Ruden McClosky, Agent. Request: To reconfigure the site plan and modify conditions of approval (Building and Site Design, Planning, Use Limitation).
Title: a Requested Use application of Publix Super Markets Inc by Ruden McClosky, Agent. Request: To allow an Auto Service Station.
General Location: On the northeast corner of Orange Boulevard and Seminole Pratt Whitney Road. **(Pratt and Orange MUPD)** (Control 1998-00023)

Pages 216 - 269

(88) Conditions of Approval Pages(243 - 259)

Project Manager: Ronald Sullivan

Size: 15.38 acres ±

BCC District: 6

MOTION: To adopt a Resolution approving a Type II Zoning Variance to allow a reduction of the foundation planting along all sides of the proposed Auto Service Station.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and modify conditions of approval (Building and Site Design, Planning, Use Limitation).

MOTION: To recommend approval of a Requested Use to allow an Auto Service Station.

13. **ZV/DOA/R-2007-01596** Title: a Type II Zoning Variance application of Kerekes Land Trust # 9 by Gentile Holloway O'Mahoney & Assoc, Agent. Request: To allow a reduced setback for a tower and to allow 24 hour operation for commercial adjacent to residential for the drug store drive-through lane.

Title: a Development Order Amendment application of Kerekes Land Trust # 9 by Gentile Holloway O'Mahoney & Assoc, Agent. Request: To reconfigure the site plan, amend conditions of approval, to add an access point and to revise the development timeline (restart the commencement clock).

Title: a Requested Use(s) application of Kerekes Land Trust # 9 by Gentile Holloway O'Mahoney & Assoc, Agent. Request: To allow a general daycare and a Type I Restaurant.

General Location: Northeast Corner of Jog Road and Boynton Beach Boulevard. (**Fountains East MUPD**) (Control 1997-00004)

Pages 270 - 328

(95) Conditions of Approval Pages(294 - 317)

Project Manager: William Cross

Size: 24.84 acres ±
(affected area 24.57 acres ±)

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduced setback for a decorative tower and to allow 24 hour operation for commercial adjacent to residential for the drug store drive-through.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, amend conditions of approval, to add an access point and to revise the development time line (restart the commencement clock).

MOTION: To recommend approval of a Requested Use to allow for a Daycare, General and a Type I Restaurant.

D. ZONING APPLICATION

14. **ZV/Z/DOA-2008-00458** Title: a Type II Zoning Variance application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to allow reduction of the width of the perimeter buffer and the number of interior landscape islands.
Title: an Official Zoning Map Amendment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: rezoning from the Single-family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ).
Title: a Development Order Amendment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to reduce acreage and delete conditions of approval.
General Location: Approximately 1000 feet south of Flavor Pict Road on the east side of Jog Road. **(Water Treatment Plant 3)** (Control 1988-00062)

Pages 329 - 343

(11) Conditions of Approval Pages(342 - 343)

Project Manager: Ora Owensby

Size: 112.34 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow reduction of the width of the perimeter buffer and the number of interior landscape islands.

MOTION: To recommend approval of an Official Zoning Map Amendment from the Single-family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ).

MOTION: To recommend approval of a Legislative Abandonment of Resolution R-89-944 (Control No. 1988-062).

15. **DOA/R-2008-00303** Title: a Development Order Amendment application of Lantana Charter LLC by Cotleur & Hearing Inc., Agent. Request: to add two external access points to the PUD for the Civic parcel.
Title: a Requested Use application of Lantana Charter LLC by Cotleur & Hearing Inc., Agent. Request: To allow a Place of Worship, a Private School, and a Daycare.
General Location: South side of Lantana Road, approximately 1 mile west of Grand Lacuna Blvd. **(Lantana Civic Pavillion)** (Control 1981-00233)

Pages 344 - 366

(24) Conditions of Approval Pages(357 - 359)

Project Manager: Anthony Wint

Size: 5.24 acres ±

BCC District: 3

MOTION: To recommend approval of a Development Order Amendment to add two external access points to the PUD for the Civic parcel.

MOTION: To recommend approval of a Requested Use to allow a Place of Worship, a Private School, and a Daycare.

16. **ZV-2008-01033** Title: a Type II Variance application of LLC by Miller Land Planning, Agent. Request: to allow the elimination of frontage and access on an arterial or collector street.
General Location: Approximately 275 feet west of Jog Road on the north side of Morikami Park Road. (**Morikami Park Nursing Center**) (Control 2008-00133)

Pages 367 - 375

(6) Conditions of Approval Pages(375 - 375)

Project Manager: Ora Owensby

Size: 7.29 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow the elimination of the frontage and legal access on an arterial or collector street.

17. **PDD/R-2007-01770** Title: An Official Zoning Map Amendment to a Planned Development District application of Palomino Ventures Inc by Land Research Management Inc., Agent. Request: Rezoning from the Residential Transitional (RT) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.
Title: A Requested Use. application of Palomino Ventures Inc by Land Research Management Inc., Agent. Request: To allow a Congregate Living Facility Type III.
General Location: Northeast corner of the intersection of SR7 and Palomino Drive. (**Gardens CLF**) (Control 1996-00112)

Pages 376 - 397

(14) Conditions of Approval Pages(389 - 392)

Project Manager: Autumn Sorrow

Size: 8.29 acres ±

BCC District: 6

MOTION: To recommend denial of an Official Zoning Map Amendment to a Planned Development District rezoning from the Residential Transitional (RT) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

MOTION: To recommend denial of a Requested Use to allow a Type III Congregate Living Facility

18. **ZV-2008-01019** Title: a Type II Zoning Variance application of Boynton Beach Associates XXI LLP by Kilday & Associates Inc., Agent. Request: to allow an aluminum fence and hedge instead of an opaque wall or fence.
General Location: West side of Hagen Ranch Road at the terminus of Woolbright Road. (**Mini Assemblage PUD**) (Control 2005-00008)

Pages 398 - 415

(4) Conditions of Approval Pages(405 - 405)

Project Manager: Carol Glasser

Size: 157.88 acres ±

MOTION: To adopt a resolution denying a Type II Variance to allow an aluminum fence and hedge instead of an opaque wall or fence.

E. STATUS REPORTS

COMMISSIONER COMMENTS

DIRECTOR COMMENTS

ADJOURNMENT