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

**THURSDAY JULY 1, 2010**

**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**

**JULY 1, 2010**

**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 Thursday, July 22, 2010 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. **DOA-2010-00143** Title: a Development Order Amendment application of Boynton Hagen LLC - Ram Realty Assoc by Land Design South Inc., Agent. Request: to modify the site plan and add square footage  
General Location: Northwest corner of Boynton Beach Boulevard and Hagen Ranch Road (**Hagen Ranch/Boynton Beach MUPD**) (Control 2006-00520)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 3.70 acres ±

BCC District: 5

Staff Recommendation: To recommend postponement of the application to August 5, 2010.

**MOTION:** To postpone the application to August 5, 2010.

- 2. **ZV-2010-00658** Title: a Type II Zoning Variance application of Boca Raton Commerce Center II LLC by Jon E Schmidt & Associates, Agent. Request: to allow the elimination of frontage requirements and legal access on an arterial or collector street and a reduction in minimum lot size for a Planned Development District.

General Location: West of Boca Rio Road at the terminus of South 210th Street (**Boca Raton Commerce Center**) (Control 1997-00032)

Pages

Project Manager: Carol Glasser

Size: 4.79 acres ±

BCC District: 5

Staff Recommendation: To postpone the application to Thursday, August 5, 2010.

**MOTION:** To postpone the application to Thursday, August 5, 2010.

- 3. **ZV-2010-00976** Title: a Type II Standalone Variance application of Haverhill Quadplex LLC by Land Design South Inc., Agent. Request: to allow a reduction in minimum lot size and the number of parking spaces and to eliminate the south incompatibility buffer.

General Location: East side of Haverhill Road approximately 335 feet South of Vilma Lane (**Haverhill Road Medical Office**) (Control 2005-00147)

Pages

Project Manager: Carol Glasser

Size: 0.67 acres ±

BCC District: 2

Staff Recommendation: To postpone the application to Thursday, August 5, 2010.

**MOTION:** To postpone the application to Thursday, August 5, 2010.

- 4. **ZV/PDD-2010-00415** Title: a Type II Zoning Variance application of H & M Development LLC by Land Design South Inc., Agent. Request: to allow the east perimeter buffer 60 feet inside the property boundary  
Title: an Official Zoning Map Amendment to a Planned Development District application of H & M Development LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District  
General Location: East side of SR7/US441 approximately 0.5 mile south of Lake Worth Rd. (**Legend Lakes Center**) (Control 2003-00015)

Pages

Project Manager: Carol Glasser

Size: 9.23 acres ±

BCC District: 6

Staff Recommendation: To postpone the application to Thursday, August 5, 2010.

**MOTION:** To postpone the application to Thursday, August 5, 2010.

**B. REMANDS**

**C. WITHDRAWALS**

**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**

5. **ZV/DOA/R-2009-03940** Title: a Type II Zoning Variance application of Boca Mission LLC by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow a reduction in the width and the number of shrubs for the right-of-way buffer along State Road 7, and to allow an easement overlap.  
Title: a Development Order Amendment application of Boca Mission LLC by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to reconfigure the site plan  
Title: a Requested Use application of Boca Mission LLC by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow a financial institution with a 4 lane drive-through facility  
General Location: North of Glades Road, on the West side of State Road 7 (**TD Bank**) (Control 1984-00099)

Pages 2 - 41

Conditions of Approval Pages (22 - 31)

Project Manager: Ora Owensby

Size: 36.45 acres ±

BCC District: 5

(affected area 0.87 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 4 conditions of approval for the Type II Variance as indicated in Exhibit C-1, 30 conditions of approval for the Development Order Amendment as indicated in Exhibit C-2, and 7 conditions of approval for the Requested Use as indicated in Exhibit C-3.

**MOTION:** To adopt a resolution approving a Type II Variance to allow a reduction in the width of the right-of-way buffer for State Road 7, to allow reduction in the number of shrubs within right-of-way buffer, and to allow an easement overlap subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Requested Use to allow a financial institution with a 4 lane drive-through facility subject to the Conditions of Approval as indicated in Exhibit C-3.

6. **Z-2010-00657** Title: an Official Zoning Map Amendment application of Pioneer Growers Cooperative by SK Consortium Inc, Agent. Request: to allow a rezoning from the Residential High (RH) and the Agricultural Residential (AR) Zoning Districts to the Light Industrial (IL) Zoning District  
General Location: Northwest corner of N Main Street and NW Avenue L (**Pioneer Growers**) (Control 2008-00238)

Pages 42 - 65

Conditions of Approval Pages (55 - 56)

Project Manager: Joyce Lawrence

Size: 51.79 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 9 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) and the Agricultural Residential (AR) Zoning Districts to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

7. **ABN/Z-2010-00656** Title: a Development Order Abandonment application of World Saving & Loan Association of Fla by Urban Design Kilday Studios, Agent. Request: to allow for the abandonment of a Special Exception granted under Resolution R-1980-672 for office/warehouse and a private tennis court and abandonment of Resolution R-1985-466 for a Planned Business Park.

Title: an Official Zoning Map Amendment application of World Saving & Loan Association of Fla by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Specialized Commercial (CS) and the Residential Single Family (RS) Zoning Districts to the General Commercial (CG) Zoning District

General Location: Northeast corner of Military Trail and Coconut Lane (**Military and Coconut**) (Control 1988-00109)

Pages 66 - 86

Conditions of Approval Pages (80 - 81)

Project Manager: Donna Adelsperger

Size: 8.41 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the Development Order Abandonment and approval of an Official Zoning Map Amendment subject to a Conditional Overlay Zone and 9 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of the Development Order Abandonment to allow the abandonment of the Special Exception granted under Resolution R-1980-672 for office/warehouse and a private tennis court and abandonment of Resolution R-1985-466 which granted the approval for a Planned Business Park.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Specialized Commercial (CS) and the Residential Single Family (RS) Zoning Districts to the General Commercial (CG) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

8. **CB/DOA-2010-00404** Title: a Class B Conditional Use application of APTEK Communications Products Inc by Land Research Management Inc., Agent. Request: to allow a Place of Worship  
Title: a Development Order Amendment application of APTEK Communications Products Inc by Land Research Management Inc., Agent. Request: to reconfigure the site plan and modify uses  
General Location: Southeast corner of the Intersection of Westgate Avenue and Ocoola Drive. **(Jack Turner/Office Warehouse)** (Control 1981-00216)

Pages 87 - 112

Conditions of Approval Pages (104 - 107)

Project Manager: David McGuire

Size: 1.01 acres  $\pm$

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 14 Conditions of Approval as indicated in Exhibit C-1 and 8 Conditions of Approval as indicated in C-2.

**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of the request to reconfigure the site plan and modifying the uses subject to the Conditions of Approval as indicated in Exhibit C-2.

9. **SV/ZV-2010-01435** Title: a Subdivision Variance application of Jewish Community Facilities Corp by Land Design South Inc., Agent. Request: to allow variance from the requirement set forth in the Unified Land Development Code, Article 11.E.A.2 that access to each subdivision lot shall be by a street of suitable classification and construction as established by the subdivision regulations; and to allow variance from the requirement set forth in the Unified Land Development Code, Article 11.E.9.D.2 that no direct access to a major street be allowed for subdivision lots.  
Title: a Type II Zoning Variance application of Jewish Community Facilities Corp by Land Design South Inc., Agent. Request: to allow reduction of the Private Civic Pod lot frontage.

General Location: Approximately one half mile south of Glades Road on the east side of 95th Avenue **(Rainberry PUD Pods A & B)** (Control 1984-00139)

Pages 113 - 142

Conditions of Approval Pages (127 - 127)

Project Manager: Donna Adelsperger

Size: 39.01 acres  $\pm$

BCC District: 5

(affected area 33.03 acres  $\pm$ )

Staff Recommendation: Staff recommends approval of the two Subdivision Variances and of the two Zoning Variances subject to 5 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow variance from the requirement set forth in the Unified Land Development Code, Article 11.E.A.2 that access to each subdivision lot shall be by a street of suitable classification and construction as established by the subdivision regulations; and to allow variance from the requirement set forth in the Unified Land Development Code, Article 11.E.9.D.2 that no direct access to a major street be allowed for subdivision lots.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow reduction of the Private Civic Pod lot frontage and elimination of frontage on a collector or arterial street subject to the Conditions of Approval as indicated in Exhibit C.



10. **DOA/R-2010-00417** Title: a Development Order Amendment application of Jewish Community Facilities Corp by Land Design South Inc., Agent. Request: to modify and delete Conditions of Approval (Engineering, Landscaping, Lighting, Building & Site Design and Use Limitations), add square footage and reconfigure the master plan and site plan

Title: a Requested Use application of Jewish Community Facilities Corp by Land Design South Inc., Agent. Request: to allow for a Congregate Living Facility Type III, Assembly Non-Profit Institutional use, and a Nursing or Convalescent Facility

General Location: Approximately one half mile south of Glades Road on the east side of 95th Avenue (**Rainberry PUD Pods A & B**) (Control 1984-00139)

Pages 143 - 179

Conditions of Approval Pages (164 - 175)

Project Manager: Andrea Harper

Size: 39.01 acres ±

BCC District: 5

(affected area 33.03 acres ±)

Staff Recommendation: Staff recommends approval of the requests for a DOA to modify 3 Conditions of Approval and delete 3 COA for Engineering, Landscaping, Lighting, Building & Site Design and Use Limitations, add square footage, reconfigure the site plan and add 3 requested uses (CLF Type 3, a Non-Profit Assembly Institutional use and Nursing or Convalescent Facility) within Pod B subject to 47 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval to modify and delete Conditions of Approval (Engineering, Landscaping, Lighting, Building & Site Design and Use Limitations), add square footage and reconfigure the master plan and site plan subject to Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval to allow three Requested Uses for a Congregate Living Facility Type III, Assembly Non-Profit Institutional use, and a Nursing or Convalescent Facility subject to Conditions of Approval as indicated in Exhibit C-2.

11. **DOA/R-2009-03933** Title: a Development Order Amendment application of Civic Development Group LLC by Miller Land Planning, Agent. Request: to reconfiguration the site plan

Title: a Requested Use application of Civic Development Group LLC by Miller Land Planning, Agent. Request: to allow a Daycare, General with 250 children and a Private Elementary school with 350 children

General Location: Southeast corner of Hypoluxo and Lyons Road. (**Villages of Windsor SE Civic**) (Control 1996-00081)

Pages 180 - 212

Conditions of Approval Pages (196 - 209)

Project Manager: Andrea Harper

Size: 12.12 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 64 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the master plan and site plan subject to Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use to allow a Daycare, General with 250 children and a Private Elementary school with 350 children subject to 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**
- D. ZONING APPLICATIONS - NEW**

12. **Z-2010-00667** Title: an Official Zoning Map Amendment application of by PBC Zoning Division, Agent. Request: to allow a rezoning from multiple Zoning Districts to the Urban Center (UC) Zoning District.

General Location: Along the east and west sides of Congress Avenue and Military Trail, and bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and 10th Avenue North. **(Urban Center PRA Rezoning)** (Control 2010-00113)

Pages 213 - 226

Project Manager: Autumn Sorrow

Size: 263.24 acres ±

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment to rezone the subject properties from multiple zoning districts to the Urban Center (UC) or Urban Infill (UI) Zoning Districts.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from multiple Zoning Districts to the Urban Center (UC) Zoning District.

13. **Z-2010-00668** Title: an Official Zoning Map Amendment application of by Planning Zoning and Building, Agent. Request: to allow a rezoning from multiple Zoning Districts to the Urban Infill (UI) Zoning District

General Location: Along the east and west sides of Congress Avenue and Military Trail, and bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and 10th Avenue North. **(Urban Infill PRA Rezoning)** (Control 2010-00125)

Pages 213 - 226

Project Manager: Autumn Sorrow

Size: 435.10 acres ±

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment to rezone the subject properties from multiple zoning districts to the Urban Center (UC) or Urban Infill (UI) Zoning Districts.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from multiple Zoning Districts to the Urban Infill (UI) Zoning District.

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

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

**COMMISSIONER COMMENTS**

**ADJOURNMENT**