



**ZONING COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
DECEMBER 19, 2012**

AGENDA

ITEM # PAGE # APPLICATION AND CONTROL #S APPLICATION NAME

CONSENT AGENDA

ZONING APPLICATIONS – NEW

AMENDMENTS

2. (36-59) DOA-2012-01840 ST MATTHEW CATHOLIC CHURCH
(Control 1996-00120)

AMEND Landscape Condition 9.a of Exhibit C to read as follows:

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (RANCHES ROAD FRONTAGE)

- 9. Landscaping and buffering along the south property line shall include:
 - a. A minimum ~~thirty (30)~~ twenty-five (25) foot wide landscape buffer strip;

DELETE PALMTRAN Condition 1.A of Exhibit C-1 and renumber accordingly.

REGULAR AGENDA

ZONING APPLICATIONS – NEW

AMENDMENTS

11. (307-336) ZV-2012-02102 CLARIDGE JUPITER ISLAND
(Control 1992-00038) CONDO

AMEND VARIANCE 1 to read as follows:

This Variance is approved based on the Final Site Plan dated December 23, 1992, Survey dated November 2, 2012 and Building Permits T93000006 and B95020817. Any additional expansions of the rooftop improvements shall require ~~reconsideration of the a~~ Variances by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

DELETE VARIANCE 2 and renumber accordingly.

AMEND VARIANCE 3 to read as follows:

Prior to March 1, 2013, the Final Site Plan shall be revised and/or annotated to reflect the Variances approved by the Zoning Commission. (DATE: MONITORING - Zoning)

AMEND VARIANCE 4 to read as follows:

~~At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Site Plan to the Building Division. Prior to March 1, 2013, the applicant shall provide to the Building Division a copy of this approval. This approval shall be attached to the following Building Permits:~~

- a. T93000006; and
- b. B95020817

(~~BLDG PERMITDATE~~: MONITORING – Zoning/Bldg)

12. (337-387)

ZV-2012-00381
(Control 1993-00022)

AMERIGROW RECYCLING FACILITY

AMEND Variance 1 request to read as follows:

CODE SECTION	REQUIRED	PROPOSED	VARIANCE
7.C.3-1 Minimum Tier Requirements	1 tree per 1,500 square feet of lot area (9 acres) requires 262 274 trees	58 <u>69</u> trees	Reduction of 204 <u>205</u> trees



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

WEDNESDAY DECEMBER 19, 2012

9:00 am

**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/

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

AGENDA
PALM BEACH COUNTY ZONING COMMISSION

DECEMBER 19, 2012

CALL TO ORDER

- A. Roll Call - 9:00 am
- 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 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, January 3, 2013 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

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**

1. **DOA-2012-01840** Title: a Development Order Amendment application of JP Morgan Chase by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to modify a Condition of Approval (Signage)
General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages 1 - 35

Conditions of Approval Pages (14 - 24)

Project Manager: Carrie Rechenmacher

Size: 23.88 acres ±

BCC District: 5

(affected area 1.33 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 73 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to modify a Condition of Approval (Signage) subject to Conditions of Approval as indicated in Exhibit C.

2. **DOA-2012-01841** Title: a Development Order Amendment application of Gerald Barbarito by Colome & Associates Inc, Agent. Request: to reconfigure site plan and add square footage
General Location: Approximately 1,875 feet east of Jog Road on the south side of Hypoluxo Road (**St Matthew Catholic Church**) (Control 1996-00120)

Pages 36 - 59

Conditions of Approval Pages (49 - 55)

Project Manager: David McGuire

Size: 13.19 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 38 Conditions of Approval as indicated in Exhibit C.

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

3. **ZV/DOA/R-2012-01839** Title: a Type II Variance application of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow easement overlap in a right-of-way buffer and a decrease in setback for on-site directional signs

Title: a Development Order Amendment application of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the site plan, add square footage, and delete a Condition of Approval (Signs)

Title: a Requested Use application of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Medical Center

General Location: South of Boynton Beach Boulevard on the southwest corner of Hagen Ranch Road and Venture Center Way (**Bethesda Health Care MUPD**) (Control 1993-00035)

Pages 60 - 96

Conditions of Approval Pages (83 - 89)

Project Manager: Carol Glasser

Size: 39.58 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 28 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving Type II Variances to allow easement overlap in a right-of-way buffer and a decrease in setback for on-site directional signs 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, add square footage, and delete a Condition of Approval (Signs) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Requested Use to allow a Medical Center.

4. **ZV-2012-02794** Title: a Type II Variance application of Toll FI V Limited Partnership by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow the elimination of a minimum 5 foot high by 10 foot long opaque wall or fence along the Zero Lot Line (ZLL) side of the ZLL homes

General Location: Southwest corner of Donald Ross Road and Ellison Wilson Road (**Parcel 32 PUD**) (Control 2003-00033)

Pages 97 - 115

Conditions of Approval Pages (106 - 106)

Project Manager: Joyce Lawrence

Size: 76.29 acres ±

BCC District: 1

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 Variance to allow the elimination of a minimum 5 foot high by 10 foot long opaque wall or fence along the Zero Lot Line (ZLL) side of the ZLL homes subject to the Conditions of Approval as indicated in Exhibit C.

5. **ZV-2012-02796** Title: a Type II Variance application of Sylvia Firestone by Calvin Giordano & Associates Inc., Agent. Request: to allow a reduction in the front setback for a private stable
General Location: Approximately 700 feet north of Heritage Farms Road on the west side of Park Lane Road (**Firestone Private Stable**) (Control 2000-30210)

Pages 116 - 136

Conditions of Approval Pages (130 - 130)

Project Manager: Donna Adelsperger

Size: 9.78 acres ±

BCC District: 6

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 Variance to allow a reduction in the front setback for a private stable subject to the Conditions of Approval as indicated in Exhibit C.

6. **ZV-2012-02799** Title: a Type II Variance application of Capstone Resdev LLC, Precious Property Management LLC by Urban Design Kilday Studios, Agent. Request: to allow an exception from the prohibition of a new educational facility within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of one half of the runway
General Location: Approximately 0.75 miles north of Gateway Boulevard on the northeast corner of Knollwood Road and Old Military Trail (**Franklin Academy - Boynton**) (Control 2005-00589)

Pages 137 - 170

Conditions of Approval Pages (145 - 145)

Project Manager: Joyce Lawrence

Size: 9.93 acres ±

BCC District: 3

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 Variance to allow an Educational Facility within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of one half of the runway based on the findings and subject to the Conditions of Approval as indicated in Exhibit C.

- 7. **ZV-2012-02101** Title: a Type II Variance application of T-Mobile South LLC by Multipoint Wireless LLC, Agent. Request: to allow an existing 30-foot high hedge to exceed the maximum 12 feet height ; to eliminate the required canopy trees and plant materials within the Incompatibility Buffer along the west property line
General Location: Approximately 0.2 mile south of Linton Boulevard on the west side of Jog Road (**Temple Anshei Emuna (WP1219H) / Delray Synagogue**) (Control 1981-00225)

Pages 171 - 209

Conditions of Approval Pages (181 - 181)

Project Manager: Joyce Lawrence

Size: 2.89 acres ±

BCC District: 5

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 Variance to allow an existing 30-foot high hedge to exceed the maximum 12 feet height; to eliminate the required canopy trees and plant materials within the Incompatibility Buffer along the west property line subject to the Conditions of Approval as in Exhibit C.

- 8. **ZV-2012-02802** Title: a Type II Variance application of Nathan Leaphart by Jon E Schmidt & Associates, Agent. Request: to allow the electrification of fencing and to allow an increase in height for fencing in the front, side and rear setbacks
General Location: Northwest corner of Military Trail and Kelly Drive (**Marine Connection**) (Control 1983-00035)

Pages 210 - 238

Conditions of Approval Pages (220 - 220)

Project Manager: Autumn Sorrow

Size: 3.35 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval the request subject to 10 Conditions of Approval as indicated in Exhibit C

MOTION: To adopt a resolution approving a Type II Variance to allow the electrification of fencing and to allow an increase in height for fencing in the front, side and rear setbacks subject to the Conditions of Approval as indicated in Exhibit C.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9. [ZV/CA-2012-01258](#) Title: a Type II Variance - Concurrent application of Rocker Real Estate Inc by Land Design South Inc., Agent. Request: to allow 100% easement overlap in a right-of-way buffer and to allow extended hours of operation for a commercial property adjacent to a residential property

Title: a Class A Conditional Use application of Rocker Real Estate Inc by Land Design South Inc., Agent. Request: to allow a Type I Restaurant

General Location: Approximately 800 feet east of Congress Avenue on the north side of Northlake Boulevard (**South Gardens Donuts**) (Control 1985-00027)

Pages 239 - 264

Conditions of Approval Pages (254 - 256)

Project Manager: Carol Glasser

Size: 0.60 acres \pm

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1 and 9 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to allow 100% easement overlap in a right-of-way buffer and to extend hours of operation for a commercial property adjacent to a residential property subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type I Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

10. [DOA-2012-00116](#) Title: a Development Order Amendment application of Anasca Acquisition LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master and Subdivision Plans and to amend Conditions of Approval (Arch Review, Engineering, Planning, PUD, School Board).

General Location: Northwest corner of Hagen Ranch Road and Atlantic Ave. (**Villaggio Isles PUD**) (Control 2004-00456)

Pages 265 - 306

Conditions of Approval Pages (287 - 299)

Project Manager: David McGuire

Size: 92.07 acres \pm

BCC District: 5

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

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Master and Subdivision Plans and to modify and delete Conditions of Approval (Arch Review, Engineering, Planning, PUD, and School Board) subject to the Conditions of Approval as indicated in Exhibit C.

- 11. **ZV-2012-02102** Title: a Type II Variance application of Claridge Jupiter Island Condominium by Perry & Taylor PA, Agent. Request: to allow a reduction in the front and side setbacks

General Location: Approximately 1.75 mile north east of the intersection of US Highway 1 and Beach Road on the east side of Beach Road (**Claridge Jupiter Island Condo**) (Control 1992-00038)

Pages 307 - 336

Conditions of Approval Pages (327 - 327)

Project Manager: Donna Adelsperger

Size: 2.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 6 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the front and side setbacks subject to the Conditions of Approval as indicated in Exhibit C.

- 12. **ZV-2012-00381** Title: a Type II Zoning Variance application of Recycling Amerigrow by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow a reduction in required number of trees on site and reduction in the buffer width along the western portion of the south property line

General Location: Approximately 0.4 miles west of State Road 7 on the south side of West Atlantic Ave (**Amerigrow Recycling**) (Control 1993-00022)

Pages 337 - 387

Conditions of Approval Pages (368 - 368)

Project Manager: Donna Adelsperger

Size: 30.63 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a Type II Variance to allow a reduction in required number of trees on site and reduction in the buffer width along the western portion of the south property line.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT