

Addie L. Greene, Chairperson
Jeff Koons, Vice Chair
Karen T. Marcus
Warren H. Newell
Mary McCarty
Burt Aaronson
Jess R. Santamaria



Robert Weisman
Department of Planning, Zoning & Building
2300 N. Jog Road.
West Palm Beach, FL 33411
Phone: 561-233-5200
Fax: 561-233-5165

**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AGENDA INDEX**

JANUARY 25, 2007

**THURSDAY
9:30 AM**

COMMISSION CHAMBERS

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Opening Prayer and Pledge of Allegiance
 - C. Proof of Publication
 - D. Swearing In
 - E. Adoption of Agenda

- 2. POSTPONEMENTS/REMANDS/WITHDRAWALS (Pages 1-3)**

- 3. CONSENT AGENDA (Pages 4-8)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 9-11)**

- 5. DIRECTOR COMMENTS (Page 11)**

- 6. COMMISSIONER COMMENTS (Page 11)**

- 7. ADJOURNMENT (Page 11)**

Web address: www.pbcgov.com/pzb/

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

**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

JANUARY 25, 2007

1. CALL TO ORDER

- A. Roll Call – **9:30 A.M.**
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file
- D. Swearing In – County Attorney
- E. Motion to Adopt Agenda

2. POSTPONEMENTS/REMANDS/WITHDRAWALS

A. POSTPONEMENTS

- 1. **Z/CA2005-477** Title: An Official Zoning Map Amendment application of Levy Ventures Limited Partnership, by Jon E. Schmidt & Associates, Agent. Request: Rezoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District. Title: Resolution denying a Class A Conditional Use application of Levy Ventures Limited Partnership, by Jon E. Schmidt & Associates, Agent. Request: To deny a private school. General Location: Southeast corner of Bates Road and Northlake Boulevard. **(LEVY LEARNING CENTER)** (Control 2005-193)

N/A

Size: 0.98 acres ±

BCC District: 1

MOTION: None required. (Postponed by the Zoning Commission to February 22, 2007)

- 2. **Z/DOA2006-185** 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. General Location: Northeast corner of Boynton Beach Boulevard and Lawrence Road. **(BOYNTON & LAWRENCE OFFICE MUPD)** (Control 1981-219)

N/A

Size: 2.92 acres ±

BCC District: 3

MOTION: None required. (Postponed by the Zoning Commission to February 22, 2007)

3. **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)

N/A

Size: 2.55 acres ±

BCC District: 5

MOTION: None required. (Postponed by the Zoning Commission to February 22, 2007)

4. **Z/CA2006-936** Title: An Official Zoning Map Amendment application of Joel and Marlene Dalva by William Upthegrove, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District Title: Resolution approving a Class A Conditional Use application of Joel and Marlene Dalva by William Upthegrove, Agent. Request: To allow a Daycare, General. General Location: Northeast corner of Lyons Road and Dillman Road. **(GODDARD SCHOOL)** (Control 2006-363)

Page 1

Size: 1.77 acres ±

BCC District: 6

MOTION: To postpone to February 22, 2007. (Requested by the Applicant)

5. **CA2006-733** Title: A Class A Conditional Use application of Brahmdeo Persaud. Request: To allow the Transfer of Development Rights. General Location: Approximately 829 feet east of Haverhill Road on the north side of Dryden Road. **(DRYDEN APARTMENTS)** (Control 2006-253)

N/A

Size: 2.56 acres ±

BCC District: 2

MOTION: None required. (Postponed by the Zoning Commission to March 22, 2007)

6. **SR 1998-077** Status Report for Resolution R-1999-0527 (Petition 1998-077), the petition of Herbert and Karl Kahlert. Property owner: Herbert F. Kahlert and Pace Petroleum Services, Inc. General Location: Northeast corner of Lake Worth Road and Lyons Road. Zoning District: Multiple Use Planned Development **(VILLAGE CORNER MUPD)**.

Pages 2-7

Size: 12.29 acres ±

BCC District: 6

MOTION: To postpone to February 22, 2007. (Requested by the property owner)

7. **SR 1985-089.7** Status Report for Resolutions R-85-1449, R-85-1450 , R-90-1440 and R-90-1441 (Petitions 1985-089 and 1985-089A), the petition of William Boose, III, Trustee. Property owner: Judy A. Hartsell, St. Andrews Palm Beach, LTD, and Palm Beach Apartments, LTD. General Location: South side of Okeechobee Boulevard and north side of Belvedere Road on the east and west sides of Golden Lakes Boulevard. Zoning District: Single Family Residential with a Special Exception for a Planned Unit Development (**GOLDEN LAKES PUD**).

Pages 8-11

Size: unplatted 3.22 acres of a total 425 acres ± BCC District: 2

MOTION: To postpone to March 22, 2007. (Requested by staff)

B. REMANDS

C. WITHDRAWALS

- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 8. **PDD/DOA/ABN2006-189** Title: An Official Zoning Map Amendment to a Planned Development District application of Health Hippocrates, by Miller Land Planning, Agent. Request: Rezoning from the Agricultural Residential (AR) and the Residential Transitional (RT) Zoning Districts to the Residential Planned Unit Development (PUD) Zoning District. Title: A Development Order Amendment application of Health Hippocrates, by Miller Land Planning, Agent. Request: To add land area, add square footage, add residents, reconfigure the site plan and modify the conditions of approval to the Hippocrates Planned Unit Development. Title: A Development Order Abandonment application of Health Hippocrates, by Miller Land Planning, Agent. Request: To adopt a resolution approving the abandonment of the Special Exception to allow a Congregate Living Facility. General Location: On the west side of Skees Road between Golden River Drive and Palmdale Road. **(HIPPOCRATES PUD/CLF)** (Control 1987-032)

Pages 12-34

Size: 30.46 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 5-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential and the Residential Transitional Zoning Districts to the Residential Planned Unit Development Zoning District.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area, add square footage, add residents, reconfigure the site plan and modify the conditions of approval to the Hippocrates Planned Unit Development.

MOTION: To adopt a resolution approving the abandonment of the Special Exception to allow a Congregate Living Facility.

D. ZONING APPLICATIONS

9. **PDD/R2006-708** Title: An Official Zoning Map Amendment to a Planned Development District application of Southern Capital Resource Partners, LLC, by David L. Carpenter & Associates, Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Request: To allow a Requested Use for a hotel. General Location: Approximately 600 feet west of Drexel Road on the south side of Okeechobee Boulevard. **(SYKES COMMERCIAL)** (Control 1982-129)

Pages 35-53

Size: 7.26 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 5-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the General Commercial Zoning District to the Multiple Use Planned Development Zoning District.

MOTION: To adopt a resolution approving a Requested Use to allow a hotel.

10. **Z2006-952** Title: An Official Zoning Map Amendment application of Andrea and Joseph Ricardel, by Land Design South, Inc., Agent. Request: Rezoning from the Neighborhood Commercial (CN) and the Multi-family Residential (RM) Zoning Districts to the General Commercial (CG) Zoning District with a Conditional Overlay Zone. General Location: Approximately 0.2 miles north of Melaleuca Lane on the east side of Military Trail. **(COBBLESTONE SQUARE)** (Control 2005-631)

Pages 54-72

Size: 1.76 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, 5-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Neighborhood Commercial and the Multi-family Residential Zoning Districts to the General Commercial Zoning District with a Conditional Overlay Zone.

11. **DOA2006-955** Title: A Development Order Amendment application of Lake Worth Self-Storage Limited, by Gentile, Holloway, O'Mahoney & Associates, Agent. Request: To reconfigure the site plan, reduce square footage and modify conditions of approval. General Location: Northwest corner of the Florida's Turnpike and Lake Worth Road. **(LAKE WORTH SELF STORAGE)** (Control 1996-004)

Pages 73-100

Size: 17.28 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 5-0.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan, reduce square footage and modify conditions of approval.

12. **TDD/DOA/R2006-1190** Title: An Official Zoning Map Amendment to a Planned Development District application of KRG/Atlantic Delray Beach, LLC, by Urban Design Studio, Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Agricultural Reserve Traditional Marketplace Development (AGR/TMD) Zoning District. Title: Resolution approving a Development Order Amendment application of KRG/Atlantic Delray Beach, LLC, by Urban Design Studio, Agent. Request: To add land area, reconfigure master plan and modify conditions of approval. Title: Resolution approving a Requested Use application of KRG/Atlantic Delray Beach, LLC, by Urban Design Studio, Agent. Request: To allow a Requested Use for a Type I Restaurant. General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(DELRAY MARKETPLACE TMD)** (Control 2004-616)

Pages 101-147

Size: 34.0 acres ±

BCC District: 3 & 5

DISCLOSURE

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 5-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the General Commercial Zoning District to the Agricultural Reserve Traditional Marketplace Development Zoning District.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area, reconfigure master plan and modify conditions of approval.

MOTION: To adopt a resolution approving a Requested Use to allow a Type I Restaurant.

E. STATUS REPORTS

13. **SR 1980-188D.3** Status Report for Resolutions R-96-1956 and R-96-1957 (Petition 1980-188D), the petition of Florida Conference Association of 7th Day Adventist. Property owner: Florida Conference Association of Seventh-Day Adventists. General Location: Approximately 800 feet east of Jog Road on the south side of Summit Boulevard. Zoning District: Residential Transitional Urban with a Development Order Amendment to add land area (+3.01); add square footage (+13,071) and reconfigure site plan. **(7TH DAY ADVENTIST CHURCH)**

Pages 148-152

Size: 7.42 acres ±

BCC District: 6

MOTION: To approve a time extension until October 24, 2008, for Resolutions R-1996-1956 and 1996-1957.

14. **SR 2000-018** Status Report for Resolutions R-2000-1561 and 2000-1562 (Petition 2000-018), the petition of First Romanian Baptist Church of West Palm Beach, Inc. Property owner: First Romanian Baptist Church of West Palm Beach, Inc. General Location: Approximately 1,700 feet west of Haverhill Road on the south side of Melaleuca Lane. Zoning District: Residential Transitional. **(FIRST ROMANIAN BAPTIST CHURCH)**

Pages 153-157

Size: 4.70 acres ±

BCC District: 3

MOTION: To adopt a resolution to approve a Development Order Amendment to amend conditions of approval (square feet) in Resolution 2000-1562.

15. **CR 2005-129** Status Report for Resolution R-2006-0521 (Petition 2005-129 (Z2005-1136)), the petition of Five Partners, Ltd. Property owner: Five Partners, Ltd. General Location: Southwest corner of Bischoff Road and Jog Road. Zoning District: Light Industrial with a Conditional Overlay Zone. **(FIVE PARTNERS, LTD.)**

Pages 158-164

Size: 0.94 acres ±

BCC District: 6

MOTION: To adopt a resolution to approve a Development Order Amendment to amend conditions of approval in Resolution R-2006-0521, and approve a time extension until November 8, 2007, to comply with Condition Mon 2 of Resolution R-2006-0521.

16. **CR 1989-088A.3** Status Report for Resolutions R-2003-093 and R2004-1639 (Petition 1989-088A), the petition of SCI Funeral Service of Florida. Property owner: SCI Funeral Service of Florida Inc. General Location: Northwest corner of Kirk Road and 10th Avenue North. Zoning District: Multiple Family Residential (Medium Density) with a Special Exception to add a funeral home to an existing 37 acre cemetery with a Special Exception to allow a Development Order Amendment to add square footage. (**MEMORY GARDENS**)

Pages 165-169

Size: 36.7 acres \pm

BCC District: 3

MOTION: To approve a time extension until November 12, 2007, to comply with Conditions 2 and 3 of Resolution 2004-1639, and E.6 of Resolution R-2003-093.

17. **CR 2003-100/E2** Status Report for Resolution R-2004-2424 (Petition 2003-100), the petition of Five Smooth Stones, Inc. Property owner: Five Smooth Stones Inc. General Location: Approximately 2 miles south of SR 76 and 1 mile east of SR 7/U.S. 441. Zoning District: Agricultural Production with a Class A Conditional Use to allow a Type IIIA Excavation (**FIVE STONES MINE**).

Pages 170-173

Size: 121 acres \pm

BCC District: 6

MOTION: To adopt a resolution to approve a Development Order Amendment to amend conditions of approval (turn lane) in Resolution R-2004-2424.

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. ULDC AMENDMENTS

18. **ROUND 2006-002**

Pages 174-218

MOTION AND TITLE: STAFF RECOMMENDS A MOTION TO ADOPT: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1** - GENERAL PROVISIONS; CHAPTER H - LOT OF RECORD; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2** - DEVELOPMENT REVIEW PROCESS; CHAPTER B - PUBLIC HEARING PROCEDURES; CHAPTER D - ADMINISTRATIVE PROCESS; CHAPTER E - MONITORING; **ARTICLE 3** - OVERLAYS & ZONING DISTRICTS; CHAPTER C - STANDARD DISTRICTS; CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E - PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4** - USE REGULATIONS; CHAPTER A - USE CLASSIFICATION; CHAPTER B - SUPPLEMENTARY USE STANDARDS; **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER B - ACCESSORY AND TEMPORARY USES; **ARTICLE 6** - PARKING; CHAPTER A - PARKING; CHAPTER B - LOADING STANDARDS; **ARTICLE 7** - LANDSCAPING; CHAPTER B - TYPES OF PLANS; CHAPTER F - PERIMETER BUFFER LANDSCAPE REQUIREMENTS; APPENDIX D - CHECKLIST OF STANDARDS THAT CAN BE ALTERED WITH AN APPROVED ALP; **ARTICLE 8** - SIGNAGE; CHAPTER C - PROHIBITIONS; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

D. STATUS REPORTS

19. **SR NPN-13.2** Status Report for Resolutions R-1994-1469, R-1998-1108, R-1998-1109. Petition NPN-13, the petition of Oriole Homes. Property owner: Via Palma Delray, Inc. General Location: North and south sides of Via Delray, on the east side of the LWDD E-3 Canal. Zoning District: Planned Unit Development (**CORAL LAKES PUD**).

Pages 219-222

Size: 1.23 acres \pm

BCC District: 5

MOTION: To approve a time extension until November 5, 2008, for Resolutions R-1994-1469, R-1998-1108, and R-1998-1109.

E. PREVIOUSLY POSTPONED ZONING APPLICATIONS

20. **CA/TDR2006-016** Title: Resolution approving a Class A Conditional Use application of Haldick Enterprises, Inc., by Cotleur & Hearing, Inc., Agent. Request: To allow a Class A Conditional Use for the Transfer of Development Rights for 20 units and to designate this application as the receiving area. General Location: Approximately 300 feet east of Military Trail at the terminus of Boatman Street and Clemens Street. (**BOATMAN HAMMOCK**) (Control 2006-008)

Page 223-248

Size: 5.13 acres \pm

BCC District: 3

DISCLOSURE

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Denied, 4-3.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow the Transfer of Development Rights for 20 units and to designate this application as the receiving area.

F. ZONING APPLICATIONS

21. **PDD2006-956** Title: An Official Zoning Map Amendment to a Planned Development District application of Grove Nurseries, Inc., Kimberly Hill, by Kimley Horn and Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Northeast corner of Boynton Beach Boulevard and the Florida's Turnpike. **(THE GROVE MUPD)** (Control 2006-367)

Pages 249-270

Size: 9.64 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 5-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multiple Use Planned Development Zoning District.

5. DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT