

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** Z-2014-00661  
**Application Name:** Kunnemann Rezoning  
**Control No.:** 2003-30365  
**Applicant:** Kunnemann, Roy G. Tr  
**Owner:** Kunnemann, Roy G. Tr  
**Agent:** Gentile Glas Holloway O'Mahoney & Assoc Inc.  
 Pat Lentini, George Gentile  
**Telephone No.:** (561) 575-9557  
**Project Manager:** Roger Ramdeen, Senior Site Planner

**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Residential High Density (RH) Zoning District to the General Commercial (CG) Zoning District.

**APPLICATION SUMMARY:** Proposed is an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) Zoning District to General Commercial (CG) Zoning District for the Kunnemann development. The parcel had a previous Development Order approval through a Building Permit to allow vehicle sales, rental and storage in 1984. There are no proposed changes to the site design with the proposed request. Access to the site will remain on US Highway 1.

**SITE DATA:**

Location:	Approximately 690 feet north of PGA Boulevard on the west side of US Highway One (Kunnemann Rezoning)
Property Control Number(s)	00-43-42-04-00-000-3270
Existing Land Use Designation:	Commercial High with an underlying High Residential (CH/8) – 0.57 acre portion High Residential (HR-8) – 0.43 acre portion
Proposed Land Use Designation:	Commercial High with an underlying High Residential (CH/8) – 1.0 acre
Existing Zoning District:	General Commercial District (CG) – 0.57 acre portion Multi-Family Residential (High Density) District (RH) – 0.43 acre portion
Proposed Zoning District:	General Commercial District (CG) – 1.0 acre
Acreage:	1.0 acre (affected area 0.43 acre)
Tier:	Urban/Suburban Tier
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	Juno Ridge #6 CCRT area
Municipalities within 1 Mile	City of Palm Beach Gardens The Village of North Palm Beach Town of Juno Beach
Future Annexation Area	City of Palm Beach Gardens Town of Juno Beach

**RECOMMENDATION:** Staff recommends approval of the request.

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 0 contacts from the public regarding this project.

**PROJECT HISTORY:**

The parcel had a previous Development Order approval through a Building Permit to allow vehicle sales, rental and storage in 1984 which has continued to the present date

## **SURROUNDING LAND USES:**

### **NORTH:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Self Service Storage Facility (Southern Self Service Storage, Control No 1988-00121)

### **SOUTH:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Restaurant (Kunneman Rezoning, Control No. 1992-00055)

### **EAST:**

FLU Designation: City of Palm Beach Gardens

Zoning District: City of Palm Beach Gardens

Supporting: Commercial

### **WEST:**

FLU Designation: High Residential (HR-8)

Zoning District: Multi-Family Residential (High Density) District (RH)

Supporting: Vacant and Multi-family Residential (Control No. N/A)

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## **FINDINGS:**

### Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

**FUTURE LAND USE (FLU) PLAN DESIGNATION:** High Residential 8 units per acre (HR-8) on 0.43 acres and Commercial High with an underlying High Residential 8 units per acre (CH/8) on 0.57 acres.

**Consistency with the Comprehensive Plan:** The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including proposed Land Use Amendments, densities and intensities of use.

**Concurrent Land Use Amendments:** The 1.00 acre site is the subject of a Small Scale Land Use Amendment known as Kunnemann SCA-2014-00011. The request seeks to change the land use from High Residential 8 units per acre (HR-8) to Commercial High with an underlying High Residential 8 units per acre (CH/8) on the western 0.43 acres. The request will be heard by the Local Planning Agency on July 11, 2014. No conditions have been proposed for this request.

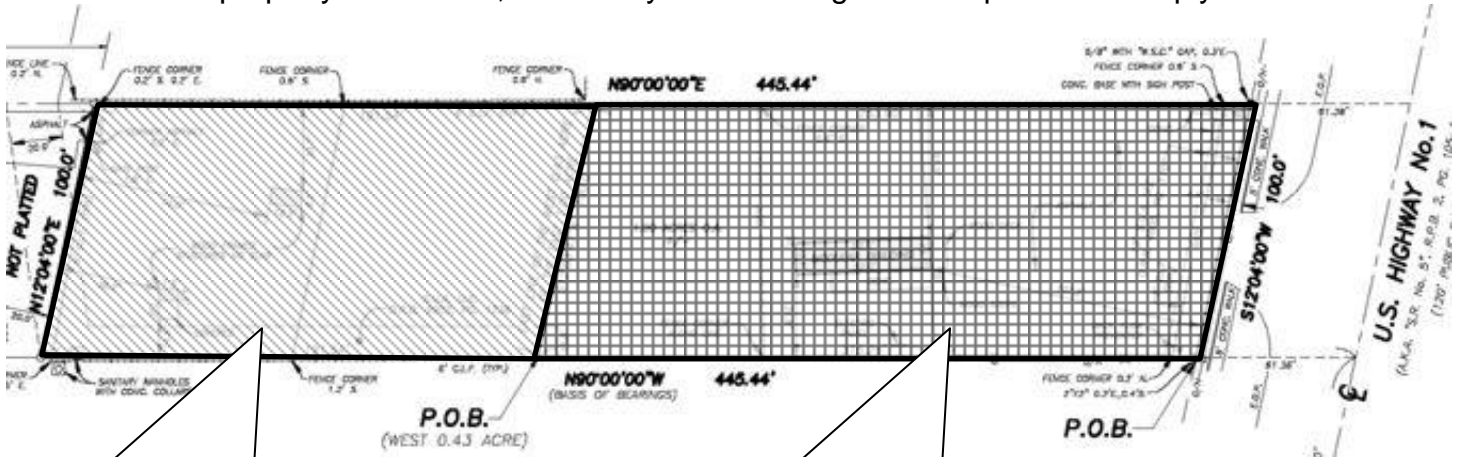
**Intensity:** The 1.00 acre site, with the existing and proposed Commercial High (CH/8) land use designation, could develop with a maximum FAR of 0.35, which equates to 15,246 square feet (1.00 ac x 43,560 x .35 = 15,246 square feet maximum w/o PDD). The site does not meet the 5 acre minimum to be a MUPD. The request to rezone does not include a site plan with proposed square footage.

**Special Overlay District/ Neighborhood Plan/Planning Study Area:** The request is located within the Juno Ridge #6 CCRT area. The agent met with the Office of Community Revitalization, and no issues were identified regarding the request.

2. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The subject site was originally part of a larger 2.55-acre lot running from Ellison Wilson Road to U.S. Highway 1. Through the development review of the subject request it was determined by Zoning and Engineering Staff that the 2.55-acre lot was previously allowed to be split, through a Unity of Title recorded under OR3192 PG0996. The two lots includes the western 1.55-acre portion fronting on Ellison Wilson, and having existing residential, and the eastern 1.0-acre portion on US Highway 1 which is the area of the rezoning request. This 1.0-acre lot contains a split in the zoning districts, 0.57 CG and 0.43 RH. The rezoning request will bring the entire 1.0-acre parcel into the CG Zoning District and will also meet the minimum lot size for lots in the CG Zoning District.

The use of the property will remain, as is. Any future changes will require it to comply with the ULDC.



**0.43 ACRE PORTION**  
Existing Land Use Designation: High Residential (HR-8)  
Proposed Land Use Designation: Commercial High with an underlying High Residential (CH/8)  
Existing Zoning District: Multi-Family Residential (High Density) District (RH)  
Proposed Zoning District: General Commercial District (CG)

**0.57 ACRE PORTION**  
Existing Land Use Designation: Commercial High with an underlying High Residential (CH/8)  
Proposed Land Use Designation: No proposed change  
Existing Zoning District: General Commercial District (CG)  
Proposed Zoning District: No proposed change

3. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed rezoning request is compatible as defined in the Code and generally consistent with the residential uses and character of the land surrounding and in the vicinity of the parcel of land proposed for rezoning. Staff notes, related to the use on site, building permit records indicates that the existing vehicle sales, rental and storage use has been in existence since 1984, any modification of the use would require the site to comply with the ULDC.

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION:** The property has been previously developed. The western portion is located immediately south of a natural area.

**WELLFIELD PROTECTION ZONE:** The property is not located with a Wellfield Protection Zone.

**IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that

results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

5. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed rezoning from the RH Zoning District to the CG Zoning District will not alter the existing development pattern in the vicinity.

6. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

**ENGINEERING COMMENTS:**

This rezoning application applies to a portion of a legal lot of record that is a portion of Parcel Control Number 00434204000003270 created prior to February 5, 1973 as shown on the warranty deed recorded in ORB 1957/PG 1083. Both the Engineering Department and the Planning Zoning and Building Department have confirmed that this property with Parcel Control Number 00434204000003270 is comprised of two legal lots per Article 1.F.2.A.2.c.; the western lot having frontage on Ellison Wilson Road with a residential use and the eastern lot having frontage on US Highway 1 with a commercial use. Construction of the multifamily units on the western lot commenced in 1979 and a unity of title was recorded in the public records (ORB 3192 / PG 0996) with a legal description that covered only the western lot that was shown on a survey submitted to the Building Department at that time (Building Permit B-792537). In 1979, the Subdivision Ordinance recognized this as a legal subdivision and two lots were created. The two lots created at that time remain in the same configuration as the lots are today and are therefore considered to be two legal lots of record.

**TRAFFIC IMPACTS**

The project has an insignificant impact on the roadway network. The project is estimated to generate approximately 295 daily and 26 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

**ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)**

Segment: Federal Hwy from PGA Blvd to Universe Blvd

Existing count: Northbound=1239, Southbound=1239

Background growth: Northbound=49, Southbound=61

Project Trips: Northbound=6, Southbound=6

Total Traffic: Northbound=1294, Southbound=1306

Present laneage: 4LD

Assured laneage: 4LD

LOS "D" capacity: 1960 (Directional)

Projected level of service: LOS D or better

If 100 percent onsite retention is proposed for this site, the location of the retention area will have to be shown on the site plan when this site comes in for future approval.

**PALM BEACH COUNTY HEALTH DEPARTMENT:** No Staff Review Analysis

**FIRE PROTECTION:** No Staff Review Analysis

**SCHOOL IMPACTS:** No Staff Review Analysis

**PARKS AND RECREATION:** No Staff Review Analysis

7. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The Applicant's request is to rezone the property from the RH Zoning District to the CG Zoning District is to further bring the property into compliance with the minimum district development regulations.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.2.B 1-7 and determined that there is a balance between the need of change and the potential impacts generated by this change; therefore, staff is recommending approval of the zoning change.

Figure 1 - Land Use Map

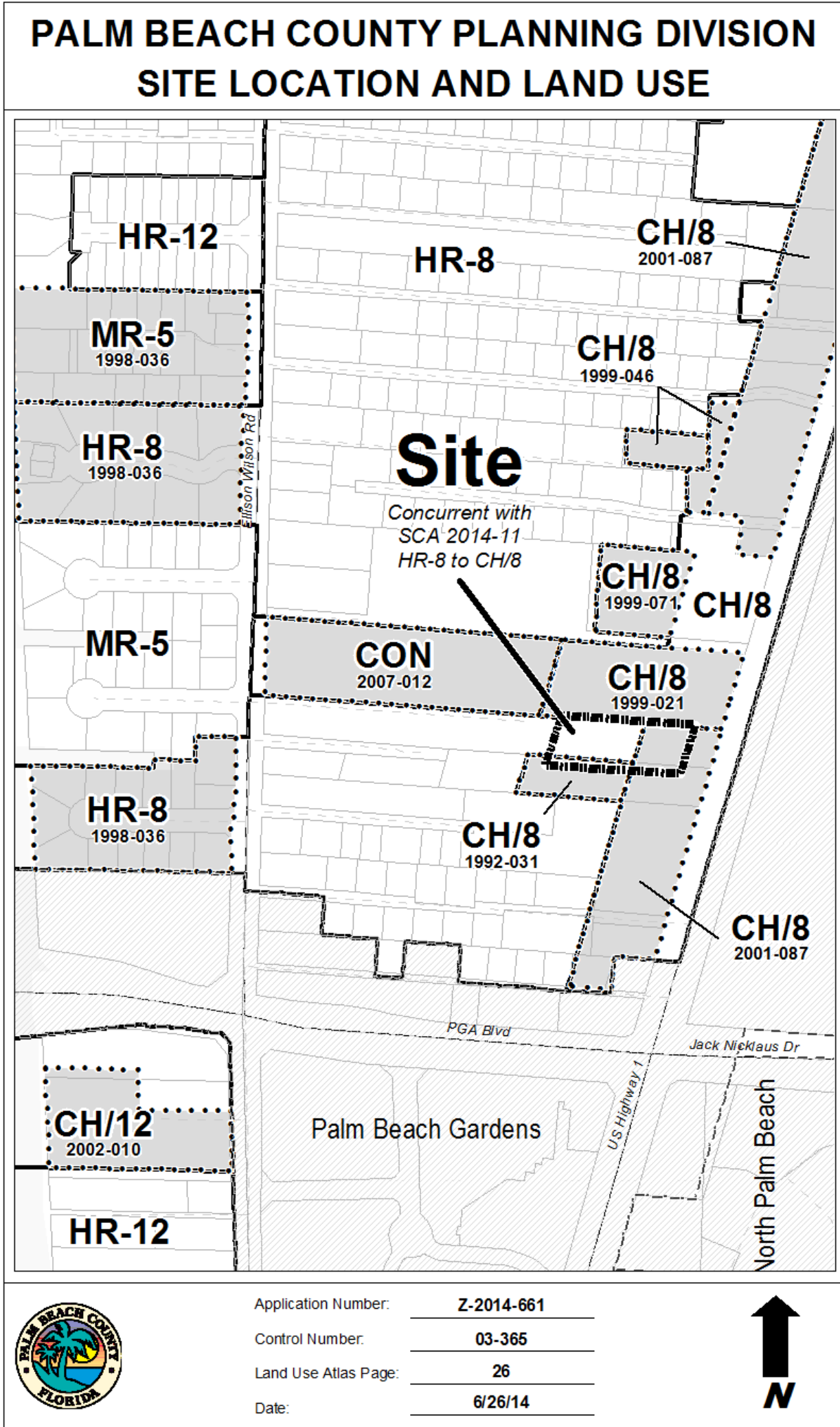




Figure 2 - Zoning Map

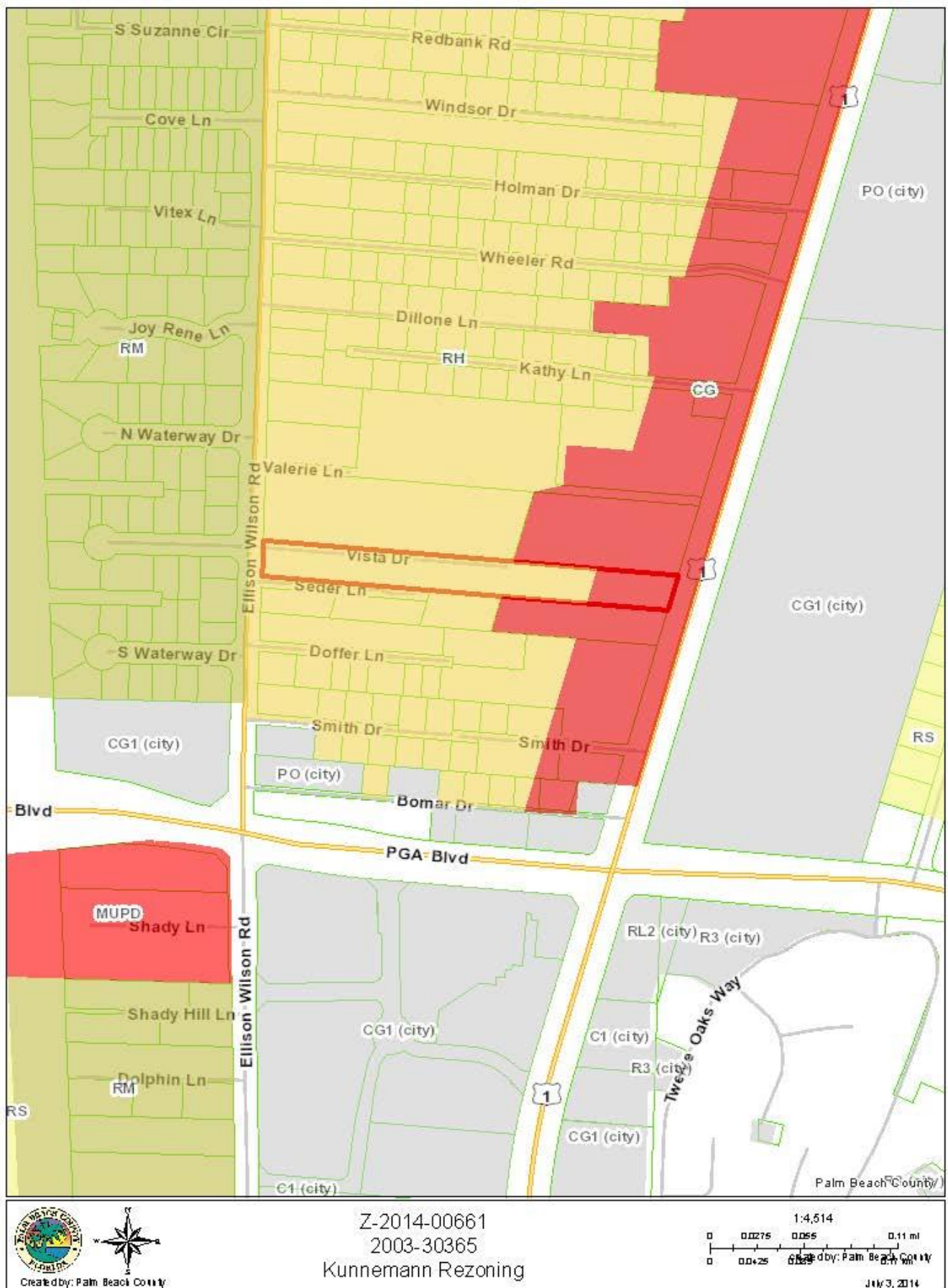
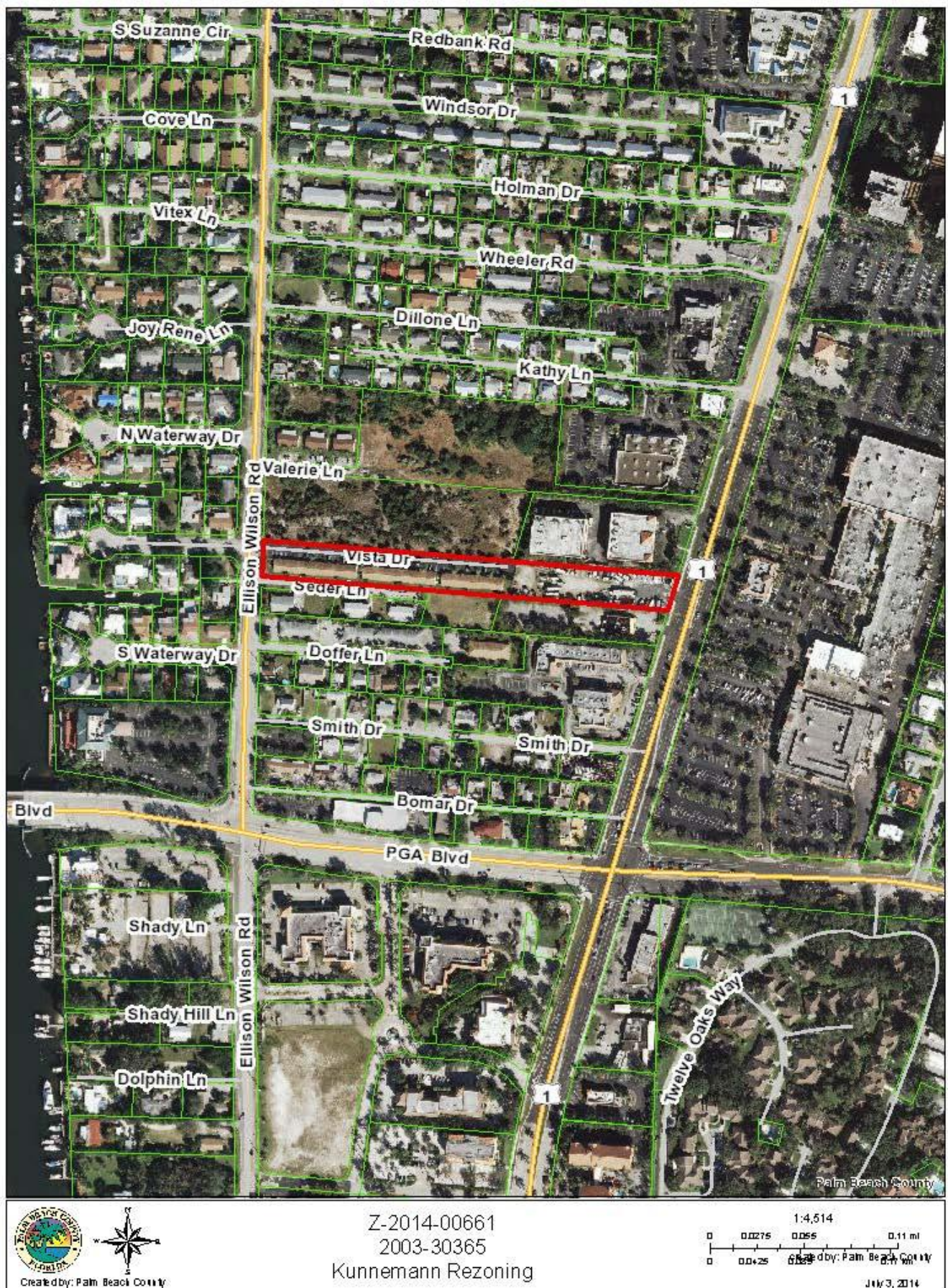




Figure 3 - Aerial







**Exhibit D: Disclosures**

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Roy G. Kunneman, Trustee, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [  ] \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 11638 Ellison Wilson Road, North Palm Beach FL 33408  
\_\_\_\_\_  
\_\_\_\_\_
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

FURTHER AFFIANT SAYETH NAUGHT.

*Roy G. Kunnemann*

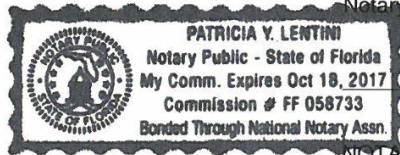
Roy G. Kunnemann \_\_\_\_\_, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 3 day of February, 2014, by Roy G. Kunnemann, [ ] who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

*Patricia Y. Lentini*

Notary Public



\_\_\_\_\_  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: \_\_\_\_\_



**EXHIBIT "A"**  
**PROPERTY**

See attached Exhibit A



**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

<b>Name</b>	<b>Address</b>
<u>Roy G. Kunnemann - individual owning 100%</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## Exhibit "A"

**PROPERTY ADDRESS:**  
11638 Ellison Wilson Road  
Juno Beach, FL 33408

PCN: 00-43-42-04-00-000-3270

**LEGAL DESCRIPTION:**

A parcel of land lying and being in the County of Palm Beach and State of Florida, to wit:

**BEGINNING** at the point of intersection of the centerline of State Highway No. 5 (U. S. Highway No. 1) with the South line of the Northwest Quarter (NW ¼) of Section 4, Township 42 South, Range 43 East, and run thence Northeast along the centerline of said highway 700 feet to the **POINT OF BEGINNING**;  
thence continue along the centerline of said highway 100 ft.;  
thence run West along a line parallel to the South line of said quarter section to the West line of said Quarter Section;  
thence run South along the West line of said Quarter Section to the intersection of a line from the **POINT OF BEGINNING** and parallel to the South line of said Quarter Section;  
thence East along said line parallel to the South line of said Quarter Section to the **POINT OF BEGINNING**.

Subject to Rights of Way and Easements of Record.

Containing in all 2.55 acres, more or less.

**EAST ONE ACRE LEGAL DESCRIPTION:**

A parcel of land lying Section 4, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the point of intersection of the centerline of State Road No. 5 (U.S. Highway No. 1) with the South line of the Northwest Quarter (NW ¼) of said Section 4; thence Northerly along the centerline of said State Road No. 5 a distance of 700.0 feet to a point; thence Westerly, parallel with said South line of the Northwest Quarter, a distance of 61.36 feet to a point on the West right of way line of said State Road No.5 and the **POINT OF BEGINNING** of the hereinafter described parcel;  
Thence continue Westerly, along the same bearing as the preceding course, a distance of 445.44 feet to a point;  
Thence Northerly, parallel with said centerline of State Road No. 5 a distance of 100.0 feet to a point;  
Thence Easterly, parallel with said South line of the Northwest Quarter, a distance of 445.44 feet to a point on the previously mentioned West right-of-way line of State Road No. 5;  
Thence Southerly, along said West right-of-way line a distance of 100.0 feet to the **POINT OF BEGINNING**.

East sub-parcel contains 1.00 acres, more or less.

**PROPERTY ADDRESS:**  
Vacant ½ acre parcel adjacent to:  
11638 Ellison Wilson Road  
Juno Beach, FL 33408

PCN: 00-43-42-04-00-000-3260

**LEGAL DESCRIPTION:**

A parcel of land lying in and being a part of Section 4, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

**COMMENCING** at the intersection of the South line of the Northwest Quarter (NW ¼), of said Section 4, and the centerline of U.S. Highway No. 1, according to State Road Department right-of-way map, Job No. 9304-112, bear N. 16°51'51" E., along said centerline, a distance of 700.0 feet;  
thence bear N. 85°11'04" W., along a line parallel to said South line of the Northwest quarter (NW ¼), a distance of 311.35 feet to the **POINT OF BEGINNING**;  
thence continue N. 85°11'04" W., along the preceding described line a distance of 408.79 feet a line parallel to and 720.14 feet West of the centerline of U.S. Highway No. 1, as measured along a line parallel to said South line of the Northwest quarter (NW ¼);  
thence bear S. 16°51'51" W., along said line a distance of 100.00 feet, to a line parallel and 600.0 feet North of the South line of said Northwest quarter, as measured along a line parallel to the said centerline of U.S. Highway No. 1;  
thence bear S. 85°11'04" E. along said parallel line a distance of 408.79 feet;  
thence bear N. 16°51'51" E. along a line parallel with and 250.00 feet West of the West right-of-way of said U.S. Highway No. 1 as measured parallel with the said South line of the Northwest quarter, a distance of 100.00 feet to the **POINT OF BEGINNING**.

**LESS** and except the following parcel:

**COMMENCING** at the point of intersection of the centerline of State Road No. 5 (U.S. Highway No. 1) with the South line of the Northwest quarter of Section 4, Township 42 South, Range 43 East, Palm Beach County, Florida;  
thence, Northeasterly, along the centerline of said State Road No. 5 (U.S. No. 1), a distance of 700 feet;  
thence Westerly on a line parallel to the South line of said quarter section, a distance of 61.35 feet to the West right-of-way line of State Road No. 5 (U.S. No. 1);  
thence continue Westerly along said parallel line, a distance of 250 feet to the **POINT OF BEGINNING**;  
thence continue Westerly, along said parallel line, a distance of 200 feet;  
thence Southwesterly, parallel with the said West right-of-way line of State Road No. 5, (U.S. No. 1), a distance of 100 feet;  
thence Easterly, parallel with the South line of said quarter section, a distance of 200 feet;  
thence Northeasterly, parallel with the said West right-of-way line of State Road No. 5 (U.S. No. 1), a distance of 100 feet to the **POINT OF BEGINNING**.



**TOGETHER WITH** a 30.0 foot road easement for ingress and egress over the following described parcel of land:

**BEGINNING** at the Northwest corner of the above described parcel of land;  
bear N. 85°11'94" W., along a line parallel to and 700.0 feet North of the said South line of the Northwest quarter (NW ¼) as measured along a line parallel to the centerline of U.S. Highway No. 1, a distance of 498.36 feet to the said centerline of Ellison Wilson Road;  
thence bear S. 02°01'47" W., along said centerline a distance of 30.04 feet;  
thence bear S. 85°11'04" E., along a line parallel to the said South line of the Northwest quarter (NW ¼), a distance of 490.50 feet to the West line of the above described parcel of land;  
thence bear N. 16°51'51" E. along said West line, a distance of 30.68 feet to the **POINT OF BEGINNING**;  
**LESS** the right-of-way of Ellison Wilson Road.

Subject to a proposed utility easement over the North 10.0 feet of the above described parcel of land, as per survey prepared by Dailey & Associates, Professional Land Surveyors, Certificate No. 3335.

And also, subject to a 25.0 foot road easement for ingress and egress over the following described parcel of land:

**COMMENCING** at the Northwest corner of the above described parcel of land, bear S. 16°51'51" W. along the West line of the above described parcel of land, a distance of 2.56 feet to the **POINT OF BEGINNING**;  
thence continue S. 16°51'51" W., along said West line distance of 25.56 feet;  
thence bear S. 85°11'04" E. along a line parallel and 27.5 feet, (as measured at right angles), South of the North line of the above described parcel of land, a distance of 80.34 feet;  
thence bear N. 04°48'56" E., a distance of 25.0 feet to a line parallel to and 2.5 feet, (as measured at right angles), South of the North line of the described parcel of land;  
thence bear N. 85°11'04" W., along said parallel line a distance of 75 feet to the **POINT OF BEGINNING**.