



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

December 4, 2008

AGENDA ITEM #
PAGE #

APPLICATION/CHANGE

POSTPONEMENT

18. (159-190) **ZV/DOA-2008-00315 (Regions Bank at Peach Tree Plaza)(Control 1984-058)**

Motion: To postpone thirty (30) days to Thursday, January 8, 2009.

AMENDMENTS

17. (151-154) **Z2007-2014 (Marquez-Jones) (Control 2005-414)**

Modify Engineering Condition 4 to read as follows:

~~4. The property owner shall provide to Palm Beach County Land Development Division by warranty deed for 30 feet from centerline of Hypoluxo Farms Road prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. (BLDG PERMIT: MONITORING-Eng)~~

4. The property owner shall provide to Palm Beach County Land Development Division a 7 foot pathway easement prior to the issuance of the first building permit. This easement shall be a continuous 7 foot easement along the project's entire frontage on Hypoluxo Farms Road and is to provide for the required 5 foot concrete sidewalk required in condition E.3 to be located within the project boundary. The property owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate easements and documents. (BLDG PERMIT: MONITORING-Eng)

Board of County Commissioners

County Administrator

Robert Weisman



Department of Planning, Zoning & Building

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West Palm Beach, FL 33411
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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY DECEMBER 4, 2008

**9:30 AM 6TH FLOOR
JANE M. THOMPSON MEMORIAL CHAMBERS**

CALL TO ORDER

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

POSTPONEMENTS/WITHDRAWALS/REMANDS

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
BOARD OF COUNTY COMMISSIONERS**

DECEMBER 4, 2008

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

POSTPONEMENTS/WITHDRAWALS/REMANDS

A. POSTPONEMENTS

1. **DOA-2008-00461** Title: a Development Order Amendment application of T Mobile by Glotel Inc / T Mobile, Agent. Request: to modify conditions of approval (Building & Site Design, Lighting, and Landscaping)
General Location: Northeast corner of Orange Ave and 130th Ave North. (**T Mobile Horizon Baptist**) (Control 1998-00015)

Pages:

Project Manager: Douglas Robinson

Size: 2.66 acres ±

BCC District: 6

Staff Recommendation: To postpone thirty (30) days to Thursday January 8, 2009

Zoning Commission Recommendation: Postpone 30 days 7- 0

MOTION: To postpone thirty (30) days to Thursday January 8, 2009

2. **DOA-2008-01196** Title: a Development Order Amendment application of Okeelanta Corp by Kilday & Associates Inc., Agent. Request: to add land area, reconfigure the site plan and modify conditions of approval
General Location: Approximately two miles West of US 27, South of Bolles Canal. (**Okeelanta CO-Generation Plant**) (Control 1992-00014)

Pages: 1 - 1

Project Manager: Anthony Wint

Size: 378.71 acres ±

BCC District: 6

Staff Recommendation: To postpone ninety (90) days to Thursday February 25, 2009.

Zoning Commission Recommendation: Approval: 7-0 as amended

MOTION: To postpone ninety (90) days to Thursday February 25, 2009.

3. **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 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 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:

Project Manager: Ora Owensby

Size: 16.04 acres ±

BCC District: 6

Staff Recommendation: To postpone thirty (30) days to Thursday, January 8, 2009.

Zoning Commission Recommendation: Postpone 30 days 7-0.

MOTION: To postpone thirty (30) days to Thursday, January 8, 2009.

4. **ZV/DOA/R-2007-02022** Title: a Type II Zoning Variance application of West Palm Hospitality LLC by David L. Carpenter & Assoc., Agent. Request: to allow 24-hour operation

Title: a Development Order Amendment of West Palm Hospitality LLC by David L. Carpenter & Assoc., Agent. Request: to reconfigure the site plan, add square footage and restart the commencement clock..

Title: a Requested Use of West Palm Hospitality LLC by David L. Carpenter & Assoc., Agent. Request: to allow a second hotel..

General Location: South side of Okeechobee Boulevard approximately 625 feet west of Drexel Road. **(Sykes Commercial)** (Control 1982-00129)

Pages:

Project Manager: Ora Owensby

Size: 7.22 acres ±

BCC District: 2

Staff Recommendation: To postpone thirty (30) days to Thursday, January 8, 2009.

Zoning Commission Recommendation: Postpone 30 days for all requests 7-0

MOTION: To postpone thirty (30) days to Thursday, January 8, 2009.

5. **ZV/Z/DOA-2008-01192** Title: a Type II Zoning Variance application of Royal Palm Presbyterian Church Inc by Miller Land Planning, Agent. Request: To allow encroachment into the easement.

Title: an Official Zoning Map Amendment of Royal Palm Presbyterian Church Inc by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.

Title: a Development Order Amendment of Royal Palm Presbyterian Church Inc by Miller Land Planning, Agent. Request: to modify the site plan, to add square footage, to modify conditions of approval (Engineering, Landscape, Signage, Lighting), and to add land area.

General Location: Approximately 650 feet east of Jog Road on the south side of Hypoluxo Road. **(Royal Palm Presbyterian Church)** (Control 1994-00080)

Pages:

Project Manager: Joyce Lawrence

Size: 5.60 acres ±

BCC District: 3

Staff Recommendation: To postpone thirty (30) days to Thursday January 8, 2009.

Zoning Commission Recommendation: Postpone 30 days for all requests 7-0

MOTION: To postpone thirty (30) days to Thursday, January 8, 2009.

B. WITHDRAWALS

6. **DOA-2008-00627** Title: a Development Order Amendment application of Faith United Methodist Church Of by Glotel Inc., Agent. Request: to modify a condition of approval (Lighting)

General Location: Boynton Beach Blvd and El Clair Ranch Road. **(T-Mobile)** (Control 1991-00042)

Pages:

Project Manager: Anthony Wint

Size: 10.18 acres ±

BCC District: 5

Staff Recommendation: None required application withdrawn at Zoning Commission.

Zoning Commission Recommendation: Withdrawn no vote

MOTION: None required application withdrawn at Zoning Commission.

CONSENT AGENDA

A. DISCLOSURES FOR THE CONSENT ITEMS

B. STATUS REPORTS

- 7. **SR 199-029.3** Status Report for Resolution R-2000-0120 (Control # 1999-029), the application of Monadylina Properties, Inc. Property Owner: BDG Delray. General Location: southwest corner of SR7/US 441 and West Atlantic Avenue. Current Zoning: AGR - Agricultural Reserve with a Conditional Use A to allow a convenience store with gas sales and expansion of indoor entertainment and office use. (Stop & Shop (**Stop & Shop**))

Pages: 2 - 8

Size: 5.11 acres ±

BCC District: 5

MOTION: To adopt a resolution to approve a Development Order Amendment to amend conditions of approval (TPS) in Resolution R-2006-1536, and approve a time extension until January 27, 2011, for Resolution R-2000-0120.

C. PREVIOUSLY POSTPONED ZONING APPLICATION

D. ZONING APPLICATIONS

- 8. **DOA-2008-01195** Title: a Development Order Amendment application of HRS Palm Beach LCC by Miller Land Planning, Agent. Request: to reconfigure the site plan
General Location: The subject property is located on the west side of SR 7 approximately 1/4 mile north of Lantana Road. (**Regions Bank at Carlyle**) (Control 2006-00368)

Pages: 9 - 27

Conditions of Approval (20 - 23)

Project Manager: Ronald Sullivan

Size: 1.22 acres ±

BCC District: 3

(affected area 1.05 acres ±)

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

Zoning Commission Recommendation: Approval 7-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan.

9. **DOA/R-2008-01018** Title: a Development Order Amendment application of 10101 a Florida LLC by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan, modify and delete conditions of approval (Engineering) and add square footage

Title: a Requested Use of 10101 a Florida LLC by Jon E Schmidt & Associates, Agent. Request: to allow an auto paint or body shop.

General Location: North of 60th Street on the west side of State Road 7/US 441. **(US 441 Land Trust)** (Control 2002-00027)

Pages: 28 - 53

Conditions of Approval (41 - 49)

Project Manager: Ronald Sullivan

Size: 3.56 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests, subject to 44 conditions of approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0 for both request

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

MOTION: To adopt a resolution approving a Requested Use to allow auto paint or body shop.

10. **DOA/EAC-2008-00464** Title: a Development Order Amendment application of Paul Hillhouse by Tousea Homes Inc, Agent. Request: to delete a condition of approval (Planned Unit Development)

General Location: Approximately 0.9 mile south of Hypoluxo Road on the west side of Military Trail. **(Capistara PUD (fka: Colony Lakes at Boynton Beach))** (Control 2003-00045)

Pages: 54 - 83

Conditions of Approval (72 - 79)

Project Manager: Carol Glasser

Size: 37.02 acres ±

BCC District: 3

Staff Recommendation: To recommend approval of the request subject to 35 conditions of approval as contained in Exhibit C

MOTION: To adopt a resolution approving a Development Order Amendment to delete a condition of approval (Planned Unit Development).

E. TDR CONTRACT, ESCROW AGREEMENT AND DEED

11. [DOA/TDR 2007-1202](#) Execution of a Contract for Sale and Purchase of Development Rights. Request: Execute a contract between Palm Beach County and Colony at Lake Worth, LLC, for the sale and purchase of 23 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$1.00 per unit as approved by the Palm Beach County Board of County Commissioners on September 29, 2008 by Resolution No. R-2008-1708. (Colony at Lake Worth PUD) (Control 2003-011)

BCC District: 3

LOCATION: Northwest corner of Myers Road and Lantana Road

Pages: 84 - 87

MOTION: To approve a contract for the sale and purchase of 23 development rights at a purchase price of \$1.00 per unit for a total price of \$23.00.

12. [DOA/TDR 2007-1202](#) Execute a deed conveying 23 Development Rights units to Colony at Lake Worth, LLC as authorized in Resolution No. R-2008-1708 which approved the purchase of 23 Development Rights from the County's TDR Bank at a cost of \$1.00 per unit and the designation of the Colony at Lake Worth PUD as a TDR Receiving Area for those units. (Colony at Lake Worth PUD) (Control 2003-011)

BCC District: 3

LOCATION: Northwest corner of Myers Road and Lantana Road

Pages: 88 - 89

MOTION: To execute a deed conveying 23 Development Rights units to Colony at Lake Worth LLC as authorized in Resolution No. R-2008-1708.

13. [DOA/TDR 2007-1400](#) Execution of a Contract for Sale and Purchase of Development Rights. Request: Execute a contract between Palm Beach County and Haverhill Acres, LLC, for the sale and purchase of 29 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$1.00 per unit as approved by the Palm Beach County Board of County Commissioners on September 29, 2008 by Resolution No. R-2008-928. (Haverhill Acres PUD) (Control 2005-103)

BCC District: 2

LOCATION: Terminus of Stacy Street approximately 1/2 mile west of Haverhill Road.

Pages: 90 - 93

MOTION: To approve a contract for the sale and purchase of 29 development rights at a purchase price of \$1.00 per unit for a total price of \$29.00.

- 14. [DOA/TDR 2007-1400](#) Execute a deed conveying 29 Development Rights units to Haverhill Acres, LLC as authorized in Resolution No. R-2008-928 which approved the purchase of 29 Development Rights from the County's TDR Bank at a cost of \$1.00 per unit and the designation of the Haverhill Acres PUD as a TDR Receiving Area for those units. (Haverhill Acres PUD) (Control 2005-103)

BCC District: 2

LOCATION: Terminus of Stacy Street approximately 1/2 mile west of Haverhill Road

Pages: 94 - 95

MOTION: To execute a deed conveying 29 Development Rights units to Haverhill Acres LLC as authorized in Resolution No. R-2008-928.

F. OTHER ITEM

- 15. [AI-2008-002](#) Summary: The Atlantic Commons PUD is located on the east side of the Florida Turnpike just north of Atlantic Avenue in western Delray Beach. This residential development was approved by the BCC under Resolution No. R-2005-2291 with M/I Homes as the applicant. Pursuant to the County's Unified Land Development Code, the developer was required to provide the County with a 2.47 acre public civic site on November 1, 2006.

The civic site condition has not been satisfied and all administrative time extensions have now been exhausted. The new purchaser of the PUD, G.L. Homes of Florida, proposes to post a Letter of Credit which the County may demand as payment for the civic site should G.L. Homes fail to receive BCC approval for a new development plan on the Atlantic Commons site. In addition to the Letter of Credit, G.L. Homes and Staff are working on a civic site credit agreement, whereby, G.L. Homes plans to utilize the Atlantic Commons civic site as a credit under the proposed civic site credit agreement.

Staff recommends that the Board accept the Letter of Credit as an interim measure until such time that G.L. Homes successfully receives approval for a new development plan for the project currently known as the Atlantic Commons PUD.

Pages: 96 - 98

MOTION: To accept the Letter of Credit as an interim measure until such time that G.L. Homes successfully receives approval for a new development plan for the project currently known as the Atlantic Commons PUD.

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT
- B. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS
- C. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS
- D. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION
- E. PREVIOUSLY POSTPONED ZONING APPLICATIONS
16. **DOA/R/TDR-2008-00441** Title: a Development Order Amendment. application of Woodward 2007 LLC by Land Design South Inc., Agent. Request: to reconfigure the Master Plan, to increase the number of dwelling units, and to restart the commencement clock for development.
Title: a Requested Use. of Woodward 2007 LLC by Land Design South Inc., Agent. Request: to allow a Daycare, General..
Title: a Transfer of Development Rights. of Woodward 2007 LLC by Land Design South Inc., Agent. Request: to allow the Transfer of Development Rights for 109 units, to designate this site as the receiving area, and to allow the Transfer of Development Rights price reduced at \$1.00 per unit..
General Location: Northeast corner of Woodward Lane and State Road 7/441..
(Woodwind PUD) (Control 2004-00524)
- Pages: 99 - 136
Conditions of Approval (123 - 132)
Project Manager: Autumn Sorrow
Size: 36.38 acres \pm BCC District: 6
(affected area 36.35 acres \pm)
- DISCLOSURE
- Staff Recommendation: Staff recommends approval of the request, subject to 38 conditions as indicated in Exhibit C.
- Zoning Commission Recommendation: Approval: 7-0 as amended for all request
- MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the Master Plan, to increase the number of dwelling units, and to restart the commencement clock for development.
- MOTION:** To adopt a resolution approving a Requested Use to allow for a Daycare, general.
- MOTION:** To adopt a resolution approving the Transfer of Development Rights for 109 units, designate the subject property as the receiving area, and approve the reduced cost of \$1.00 per unit for the Transfer of Development Rights units.

17. **Z-2007-02014** Title: an Official Zoning Map Amendment. application of Marquez Jones Joint Venture LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.
General Location: Approximately 660 feet south of Hypoluxo Road on the west side of Hypoluxo Farms Road. **(Marquez-Jones)** (Control 2005-00414)

Pages: 137 - 158

Conditions of Approval (151 - 154)

Project Manager: William Cross

Size: 20.47 acres \pm

BCC District: 3

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone (COZ) and subject to 14 Conditions of Approval.

Zoning Commission Recommendation: Approval 7-0, as amended.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District, with a Conditional Overlay Zone (COZ).

18. **ZV/DOA-2008-00315** Title: a Development Order Amendment application of Bank Regions by Interplan LLC, Agent. Request: to reconfigure the site plan and add square footage
General Location: Southwest corner of Via Flora Road and West Atlantic Avenue. **(Regions Bank at Peach Tree Plaza)** (Control 1984-00058)

Pages: 159 - 190

Conditions of Approval (175 - 182)

Project Manager: Carrie Rechenmacher

Size: 8.66 acres \pm

BCC District: 5

(affected area 1.00 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 26 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval, 7-0.

MOTION: To adopt a resolution to approve a Development Order Amendment to reconfigure the site plan and add square footage

F. ZONING APPLICATIONS - NEW

G. ULDC AMENDMENTS

DIRECTOR COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT