

Board of County Commissioners

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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

October 23, 2008

AGENDA ITEM # **APPLICATION/CHANGE**
PAGE #

POSTPONE AND REMAND

17. (227-231) **DOA/R-2008-0303 (Lantana Civic Pavilion) (Control 1981-233)**
Motion: To remand to Friday, December 5, 2008 Zoning Commission and to postpone sixty (60) days to Thursday, January 8, 2009.

POSTPONEMENT

18. (238-268) **ZV/DOA-2008-0315 (Regions Bank at Peach Tree Plaza)(Control 1984-058)**
Motion: To postpone thirty (30) days to Thursday, December 4, 2008. (Requested by the Applicant)

AMENDMENTS

9. (85-137) **DOA/EAC-2008-0803 (Acme East AGR PUD) (Control 2006-550)**

Delete All Petition Condition 2 as follows:

~~2. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated April 16, 2007. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning) (All Petitions Condition 1 of Resolution R-2007-1041, Petition 2006-550)~~

Modify Planning Condition 6.a to read as follows:

6. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the site plan and include the following:

a. The preservation areas approved as part of Application PDD/W-~~2006-4908~~ 2008-803 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement: ...

Add new Engineering Condition 4 to read as follows:

4. The property owner shall provide by warranty deed to Palm Beach County Land Development Division for 30 feet of right of way 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)

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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY OCTOBER 23, 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**

OCTOBER 23, 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. **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: 1 - 1
Project Manager: Ora Owensby
Size: 16.04 acres ± BCC District: 6
- Staff Recommendation: To postpone thirty (30) days.
- MOTION:** To postpone thirty (30) days to Thursday, December 4, 2008.

2. **DOA/R/TDR-2008-00441** Title: a Development Order Amendment. application of Woodwind 2007 LLC by Land Design South Inc., Agent. Request: to reconfigure the Master Plan and to increase the number of dwelling units.
Title: a Requested Use. of Woodwind 2007 LLC by Land Design South Inc., Agent. Request: to allow a Daycare, General..
Title: a Transfer of Development Rights. of Woodwind 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 Woodwind Lane and State Road 7/441.. **(Woodwind PUD)** (Control 2004-00524)
- Pages: 2 - 2
Project Manager: Autumn Sorrow
Size: 36.38 acres ± BCC District: 6
(affected area 36.35 acres ±)
- MOTION:** To postpone thirty (30) days to Thursday December 4, 2008.

3. **SR 1999-029.2** 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**)

Pages:

Size: 5.11 acres ±

BCC District: 5

MOTION: Postpone status report SR 1999-029.2 until December 4, 2008 (owner requested)

B. WITHDRAWALS

4. **ZV/PDD/DOA-2008-00452** Title: a Type II Zoning Variance application of Mike Soueid by Ruden McClosky, Agent. Request: to allow more than more than 3 freestanding buildings; to eliminate the trees in divider medians; to eliminate shrubs in divider medians; to eliminate wall in the north 55 feet of the incompatibility buffer; to eliminate canopy trees within the north 55 feet of the incompatibility buffer and to eliminate the shrubs in the north 55 feet of the incompatibility buffer

Title: an Official Zoning Map Amendment to a Planned Development District of Mike Soueid by Ruden McClosky, Agent. Request: rezoning from the Residential Transitional Urban (RTU) and the General Commercial/Special Exception (CG/SE) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Development Order Amendment of Mike Soueid by Ruden McClosky, Agent. Request: to add land area, add square footage, add an access point and reconfigure the site plan.

General Location: Southwest Corner of Lantana Road and Jog Road. (**Lantana Square Shopping Center**) (Control 1980-00089)

Pages: 3 - 3

Project Manager: Carrie Rechenmacher

Size: 20.04 acres ±

BCC District: 3

Staff Recommendation: None. Application withdrawn.

MOTION: None required. Application withdrawn.

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS

- 5. **CR 2005-231** Status Report for Resolution R-2006-0143 (Control # 2005-231 (2005-624)), the application of James Shaw Property Owner: James L. Shaw General Location: 1/4 mile north of Belvedere Road on the east side of Skees Road Current Zoning: Light Industrial with a Conditional Overlay Zone **(Shaw's Contractors Storage)**

Pages: 4 - 9

Size: 8.43 acres ±

BCC District: 2

MOTION: To direct Code Enforcement to cite property owner for failure to comply with condition number E.2 of Resolution R-2006-0143

D. PREVIOUSLY POSTPONED ZONING APPLICATION

- 6. **DOA-2008-00791** Title: a Development Order Amendment application of Partners Glades by ArtSign Co, Agent. Request: to delete a condition of approval (signage) General Location: North side of Glades Rd., approximately .25 mi. west of Lyons Rd.. **(Toppel Center)** (Control 1989-00044)

Pages: 10 - 31

Conditions of Approval (22 - 28)

Project Manager: Ronald Sullivan

Size: 4.78 acres ±

BCC District: 5

(affected area 2.73 acres ±)

Staff Recommendation: Staff recommends approval of the request, subject to 39 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Development Order Amendment to modify a Sign condition of approval.

7. **ZV/PDD-2008-00804** Title: an Official Zoning Map Amendment to a Planned Development District application of Hypoluxo Shoppes Inc by Law Office of Stuart Michelson, Agent. Request: to rezone from the Community Commercial (CC) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
General Location: Northeast corner of Hypoluxo Road and High Ridge Road. **(Hypoluxo Shoppes)** (Control 2008-00243)

Pages: 32 - 56

Conditions of Approval (49 - 52)

Project Manager: Carol Glasser

Size: 4.20 acres ±

BCC District: 3

Staff Recommendation: approval

Zoning Commission Recommendation: 7-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to rezone from the Community Commercial (CC) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

E. ZONING APPLICATIONS

8. **PDD-2008-00449** Title: an Official Zoning Map Amendment to a Planned Development District application of W & W XXIII LLC by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District
General Location: West side of State Road 7, Northwest of Hanover Point Drive.. **(Harvest Galleria MUPD)** (Control 2008-00052)

Pages: 57 - 84

Conditions of Approval (70 - 72)

Project Manager: Anthony Wint

Size: 5.53 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request for an Official Zoning Map Amendment, subject to 15 Conditions as indicated in Exhibit C.

Zoning Commission Recommendation: 7-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential (AR) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

9. **DOA/EAC-2008-00803** Title: a Development Order Amendment application of Beach Boynton by Kilday & Associates Inc., Agent. Request: to delete a condition of approval (Planning).

General Location: Approximately 1/2 south of Boynton Beach Boulevard on the east side of Acme Dairy Road and North of the LWDD L-27 Canal.. (**Acme East AGR PUD**) (Control 2006-00550)

Pages: 85 - 137

Conditions of Approval (109 - 118)

Project Manager: Anthony Wint

Size: 1,235.51 acres ±

BCC District: 5

(affected area 579.41 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 39 conditions as indicated in Exhibit C.

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

10. **DOA/EAC-2008-01036** Title: a Development Order Amendment application of Holdings Gph by Ruden McClosky, Agent. Request: to delete a requested use (fitness center) and redesignate as a permitted use (retail) and to modify conditions of approval

General Location: Northeast Corner of Palmetto Park Road and Oriole Country Road. (**Loggers Run**) (Control 1975-00068)

Pages: 138 - 160

Conditions of Approval (150 - 156)

Project Manager: Joyce Lawrence

Size: 12.56 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 46 Conditions of Approval as indicated in Exhibit C.

MOTION: to delete a requested use (fitness center) and redesignate as a permitted use (retail) and to modify conditions of approval

11. **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: 161 - 182

Conditions of Approval (175 - 178)

Project Manager: William Cross

Size: 20.47 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request for a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District, with a Conditional Overlay Zone (COZ), subject to 13 Conditions of Approval.

Zoning Commission Recommendation: 7-0

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).

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT (DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA)
- B. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS
- C. STATUS REPORTS

12. **SR 1998-090.4** Status Report for Resolutions R-1999-1217 and 1999-1218 (Control # 1998-090), the application of C/O Iron City Sash & Door Co.. Property Owner: Southeastern Conference. General Location: east side of Military Trail, approx. 800 feet south of Coconut Lane Current Zoning: Residential Transitional Urban with a Class A Conditional Use for a church or place of worship (**7th Day Adventist Church**)

Pages: 183 - 187

Size: 2.93 acres ±

BCC District: 4

MOTION: To approve a time extension until July 22, 2011 for Resolutions R-1999-1217 and 1999-1218.

13. **SR 2000-006.3** Status Report for Resolution R-2000-1082 (Control # 2000-006), the application of Thomas Hahn Property Owner: FJB Enterprises, LLC General Location: approx. 1 mile west of Military Trail on the south side of West Atlantic Ave.. Current Zoning: General Commercial with a Conditional Overlay Zone (**Hahn Property**)

Pages: 188 - 192

Size: 2.27 acres ±

BCC District: 5

MOTION: To approve a time extension until July 27, 2011 for Resolution R-2000-1082

14. **SR 2003-009.2** Status Report for Resolution R-2003-1123 (Control # 2003-009), the application of God's Church of Faith. Property Owner: God's Church of Faith, Inc. General Location: approximately 0.5 mile south of Gun Club Road on the east side of Haverhill Road. Current Zoning: Residential Medium with a Class A conditional use to allow a church or place of worship (**God's Church of Faith**)

Pages: 193 - 197

Size: 2.36 acres ±

BCC District: 2

MOTION: To approve a time extension until July 24, 2011, for Resolution R-2003-1123.

15. **SR 1980-220A.2** Status Report for Resolution R-2003-1130 (Control # 1980-220A), the application of Soldiers of the Cross. Property Owner: Jeffrey Webb and Ethlyn Webb. General Location: 0.2 mile south of Lake Worth Road on the west side of Haverhill Road. Current Zoning: Residential Medium Density with a Class A Conditional Use to allow a church or place of worship **(Soldiers of the Cross)**

Pages: 198 - 202

Size: 1.52 acres ±

BCC District: 2

MOTION: To approve a time extension until July 24, 2011, for Resolution R-2003-1130.

16. **CR 2001-075/E2.5** Status Report for Resolution R-2001-0503 (Control # 2001-075), the application of United States Postal Service. Property Owner: United States Postal Service. General Location: S.E. corner of Coconut Blvd. and Northlake Blvd. Current Zoning: Public Ownership with a Conditional Overlay Zone **(Northlake Post Office)**

Pages: 203 - 208

Size: 11.25 acres ±

BCC District: 6

MOTION: To approve a time extension until August 1, 2009, to comply with conditions number E.2 and E.3 of Resolution R-2001-0503.

D. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

E. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

F. PREVIOUSLY POSTPONED ZONING APPLICATIONS

17. **DOA/R-2008-00303** Title: a Development Order Amendment application of Lantana Charter LLC by Cotleur & Hearing Inc., Agent. Request: to add two external access points to the PUD for the Civic parcel
Title: a Requested Use of Lantana Charter LLC by Cotleur & Hearing Inc., Agent. Request: To allow a Place of Worship, a Private School, and a Daycare.
General Location: South side of Lantana Road, approximately 0.1 mile west of Grand Lacuna Blvd. (**Lantana Civic Pavillion**) (Control 1981-00233)
- Pages: 209 - 237
Conditions of Approval (227 - 231)
Project Manager: Anthony Wint
Size: 5.24 acres ± BCC District: 3
- Staff Recommendation: Staff recommends adoption of the request subject to 28 Conditions of Approval as indicated in "Exhibit C".
- Zoning Commission Recommendation: Approval: 7-0 both requests
- MOTION:** To adopt a resolution approving a Development Order Amendment to add two external access points to the PUD for the Civic parcel.
MOTION: To adopt resolution approving a Requested Use to allow a Place of Worship, a Private School, and a Daycare.

G. ZONING APPLICATIONS - NEW

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: 238 - 268
Conditions of Approval (253 - 260)
Project Manager: Carrie Rechenmacher
Size: 8.66 acres ± BCC District: 5
(affected area 1.00 acres ±)
- Staff Recommendation: approval of the request subject to 26 (10 deleted) Conditions of Approval as indicated in Exhibit C.
- Zoning Commission Recommendation: 7-0
- MOTION:** To adopt a resolution to approve a Development Order Amendment to reconfigure the site plan and add square footage

H. ULDC AMENDMENTS

I. COMPREHENSIVE PLAN TEXT AMENDMENTS

19. First Reading and Advertise for Adoption - Interlocal Service Boundary Agreement for the Village of Palm Springs

Pages: 269 - 282

MOTION: TITLE: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY FLORIDA, ADOPTING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT WITH THE VILLAGE OF PALM SPRINGS TO COORDINATE FUTURE LAND USE, PUBLIC FACILITIES AND SERVICES AND PROTECTION OF NATURAL RESOURCES IN ADVANCE OF ANNEXATION; AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN THE INTERLOCAL AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

DIRECTOR COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT