



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AMENDMENTS TO THE AGENDA**

April 23, 2009

AGENDA ITEM #
PAGE #

APPLICATION/CHANGE

POSTPONEMENTS

6. (18-45) **ABN/DOA/EAC-2008-01892 Vista Center Parcel 23 – Subparcel 5
(Control # 1984-130)**

Motion: To postpone thirty (30) days to Thursday, May 28, 2009.
(Requested by the Agent)

7. (46-74) **DOA-2008-01196 Okeelanta Co-generation Plant
(Control # 1992-014)**

Motion: To postpone ninety (90) days to Thursday, July 23, 2009.
(Requested by the Agent)

34. (554-557) **Resolution Correcting Fee Schedule Resolution R-2008-1754**

Motion: To postpone thirty (30) days to Thursday, May 28, 2009.

WITHDRAWN

- 20. Corrective Resolution R-2009-0361 and R-2009-0362: Requests withdrawn
- 21. Corrective Resolution R-2009-0363 and R-2009-0364: Requests withdrawn

MOVE TO REGULAR AGENDA AND AMEND

8. (75-102) **DOA/EAC-2008-02218 MPC III Turnpike Business Park
(Control # 2002-011)**

Modify All Petitions Condition 2 to read as follows:

- 2. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated February 13, 2009~~8~~ and the approved Preliminary Site Plan is dated June 11, 2008. 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. (ONGOING: ZONING - Zoning)

Modify Landscape Condition 1 to read as follows:

- 1. Prior to final approval by the Development Review Officer (DRO)~~the issuance of a building permit~~, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of

approval as contained herein and any Type II Variance conditions of approval. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 1, Resolution R-2008-1703 Control 2002-011)

Delete Landscape Condition 6.
[Compliance with ULDC and subsequent Variance approval]

Delete Landscape Condition 7.
[Compliance with ULDC and subsequent Variance approval]

Modify Engineering Condition 10 to read as follows:

10. The Property Owner shall pay a mitigation fee to be used for off-site roadway and/or intersection improvements involving Belvedere Road. This fee shall be 50% of the fair share road impact fee and shall be paid in addition to the road impact fee as each building permit is issued. However, at such time as the County Engineer determines that funding is needed to complete right-of-way acquisition and/or construction for the road/intersection improvements, the remaining balance shall be paid within ~~90~~ 180 days of written notice to the Property Owner. In no event shall the remaining balance be required to be paid sooner than October 1, 2010. (ONGOING: MONITORING-Engineering)

AMENDMENTS

12. (187-229) **PDD/DOA-2008-01911 Ascot – Lyons and Atlantic PUD (Control 2004-369)**

Amend Engineering Condition 6 to read as follows:

- 6. a. ... prior to the issuance of the ~~first~~ 17th building permit.
- 6.b. ... prior to the issuance of the ~~first~~ 16th certificate of occupancy.
- 6.d. ... prior to the issuance of the ~~first~~ 17th Building Permit.

Delete Revisions to Engineering Conditions 9, 12 and 14. Engineering Conditions 9, 12, and 14 are carried forward from Resolution R-2008-265 without amendment.

13. (230-269) **TDD/DOA-2008-01912 Delray Marketplace TMD (Control 2004-616)**

Delete Revisions to Engineering Conditions 7, 10 and 12. Engineering Conditions 7, 10, and 12 are carried forward from Resolution R-2008-1136 without amendment.

Delete ERM Condition 1 and 2.

29. (423-444) **ZV/ABN/Z-2008-01905 Colonial Inn (Control 1986-026)**

Modify Engineering Condition 7 to read as follows:

- 7. ...shall be revised to allow additional parking...
- 7.b. ...in accordance with the ~~cross-shared~~ shared parking agreement.

Modify Engineering Condition 8 to read as follows:

- 8. ...~~cross-shared~~ shared parking easement...

31. (471-499) **Z/CA-2007-01608 RaceTrac Haverhill
(Control 2005-514)**

Modify Engineering Condition 3 to read as follows:

3. If the property owner constructs the right turn lane ~~Unless the County Engineer agrees to accept payment for the required offsite improvement as outlined in Condition No. 2.a and does not make a payment for this improvement pursuant to Article 12.B.2.F.1 or the Property Owner enters into a proportionate fair-share agreement with Palm Beach County for this improvement pursuant to Article 12.Q., the property owner shall pay for all costs associated with the construction.~~ construct a right turn lane east approach of the intersection of Belvedere Road and Haverhill Road. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

Change Rezoning Motion to include a Conditional Overlay Zone (COZ).

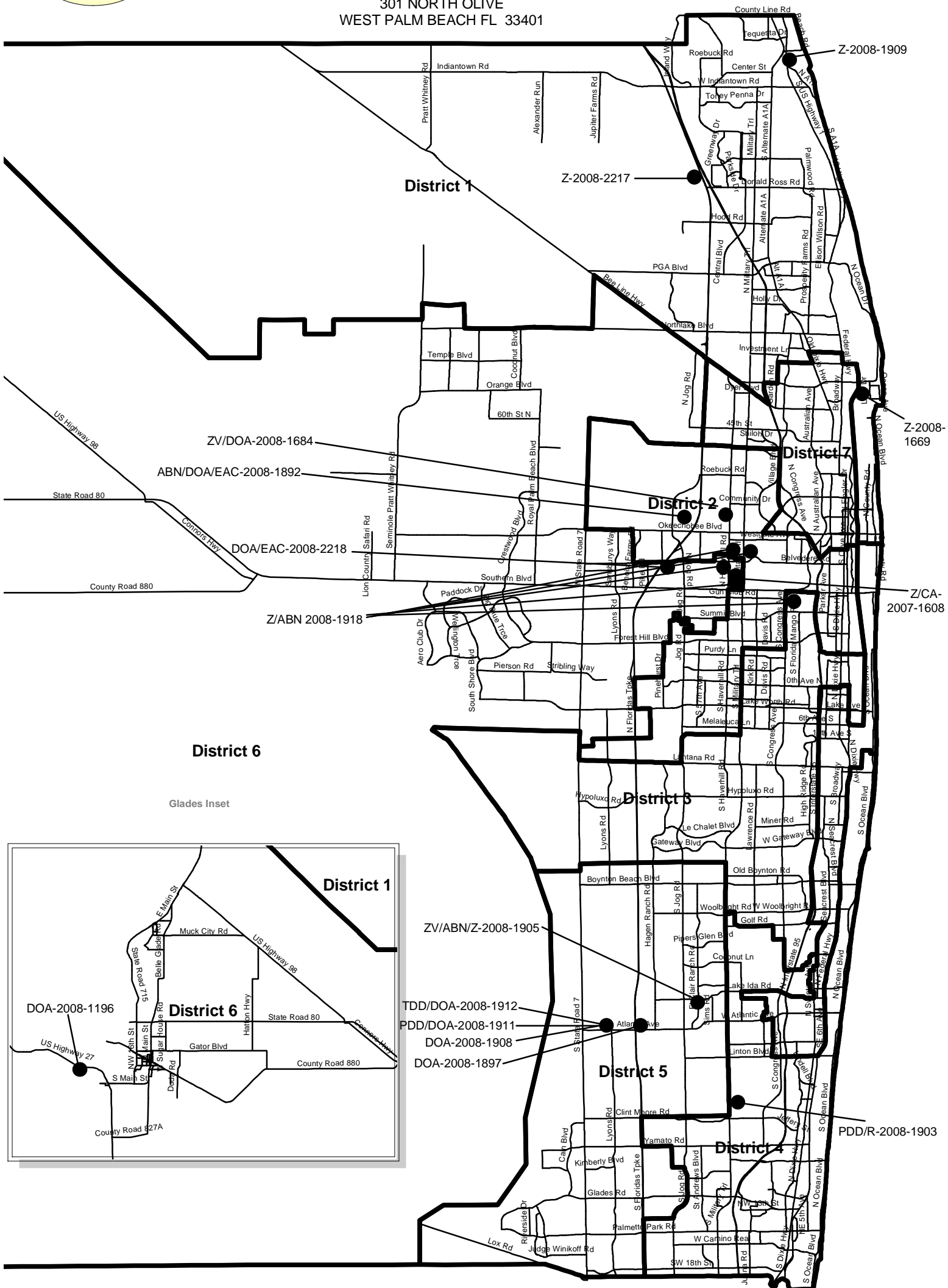
33. (531-553) **Z-2008-02217 Palm Beach Country Estates Community Park
(Control 2008-117)**

Delete Architectural Review Condition 1.



PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

THURSDAY, April 23, 2009
9:30 A.M. in the 6 FLOOR CHAMBERS
JANE M. THOMPSON MEMORIAL CHAMBERS
301 NORTH OLIVE
WEST PALM BEACH FL 33401



Website: www.pbcgov.com/pzb

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Board of County Commissioners

County Administrator

Robert Weisman



Department of Planning, Zoning & Building

2300 N. Jog Rd.
West Palm Beach, FL 33411
Phone: 561-233-5200
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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY APRIL 23, 2009

**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**

APRIL 23, 2009

CALL TO ORDER

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

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **DOA-2008-00786** Title: a Development Order Amendment application by Glotel Inc / T Mobile, Agent. application of Betty Tufford by Glotel Inc. T-Mobile, Agent. Request: to modify a condition of approval (Commercial Pod)
General Location: Northwest corner of US 441 and Kimberly Blvd. **(Shoppes of Boca Green - T-Mobile)** (Control 1977-00013)

Pages: 1 - 1

Project Manager: Douglas Robinson

Size: 1.00 acres ±

BCC District: 5

(affected area 0.01 acres ±)

Staff Recommendation: Staff recommends a ninety (90) day postpone to Thursday July 23, 2009.

Zoning Commission Recommendation: Denial: 6-1

MOTION: Staff recommends a ninety (90) day postpone to Thursday July 23, 2009.

B. REMANDS

C. WITHDRAWALS

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

- 2. **SR 2005-058** Status Report for Resolution R-2006-0024 (Control # 2005-058). Property Owner: Hypoluxo Jog, LLC. General Location: 0.50 of a mile east of Jog Road on the north side of Western Way. Current Zoning: Residential Transitional with a Conditional Overlay Zone (**Osprey Oaks Parcel # 2**)

Pages: 2 - 5

Size: 4.85 acres ±

BCC District: 3

MOTION: To approve a time extension until January 5, 2012 to record the plat.

- 3. **SR 2005-059** Status Report for Resolution R-2006-0025 (Control # 2005-059). Property Owner: Hypoluxo Jog, LLC. General Location: 0.5 of a mile east of Jog Road on the north side of Western Way. Current Zoning: Residential Transitional with a Conditional Overlay Zone (**Osprey Oaks Parcel # 3**)

Pages: 6 - 9

Size: 7.28 acres ±

BCC District: 3

MOTION: To approve a time extension until January 5, 2012 to record the plat.

- 4. **SR 2005-060** Status Report for Resolution R-2006-0026 (Control # 2005-060). Property Owner: Hypoluxo Jog LLC. General Location: 0.50 miles east of Jog Road on the south side of Western Way. Current Zoning: Residential Transitional Zoning District with a Conditional Overlay Zone (**Osprey Oaks Parcel # 4**)

Pages: 10 - 13

Size: 5.02 acres ±

BCC District: 3

MOTION: To approve a time extension until January 5, 2012 to record the plat.

- 5. **SR 2005-061** Status Report for Resolution R-2006-0142 (Control # 2005-061). Property Owner: Hypoluxo Jog LLC. General Location: 0.75 mile east of Jog Road on the south side Western Way. Current Zoning: Residential Transitional with a Conditional Overlay Zone (**Osprey Oaks Parcel # 5**)

Pages: 14 - 17

Size: 5.02 acres ±

BCC District: 3

MOTION: To approve a time extension until January 26, 2012 to record the plat.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 6. **ABN/DOA/EAC-2008-01892** Title: a Development Order Abandonment application of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to abandon the daycare, general granted under Resolution R-2005-0379

Title: a Development Order Amendment of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to amend Preliminary Master Plan.

General Location: Approximately .5 miles east of the intersection of Okeechobee Blvd. and Jog Road. (**Vista Center Parcel 23 - Subparcel 5**) (Control 1984-00130)

Pages: 18 - 45

Conditions of Approval (27 - 40)

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of a Development Order Abandonment to abandon the daycare, general granted under Resolution R-2005-0379 and a Development Order Amendment to amend the Preliminary Master Plan

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the daycare, general granted under Resolution R-2005-0379

MOTION: To adopt a resolution approving a Development Order Amendment to amend the Preliminary Master Plan

- 7. **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: 46 - 74

Conditions of Approval (61 - 66)

Project Manager: Anthony Wint

Size: 378.71 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request, subject to thirty-nine (39) conditions as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0 as amended

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

- 8. **DOA/EAC-2008-02218** Title: a Development Order Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to delete Conditions of Approval (Landscaping)
General Location: Southwest corner of North Cleary Road and Belvedere Road. **(MPC III Turnpike Business Park)** (Control 2002-00011)

Pages: 75 - 102

Conditions of Approval (90 - 96)

Project Manager: Carol Glasser

Size: 47.69 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 36 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Development Order Amendment to delete Conditions of Approval (Landscaping) subject to the conditions of approval indicated in Exhibit C

E. ZONING APPLICATIONS - NEW

9. **ABN/Z-2008-01918** Title: a Development Order Abandonment application of Palm Beach County by Kilday & Associates Inc., Palm Beach County Department of Airports, Agent. Request: to revoke Resolution R-80-1615 which granted a Special Exception to allow an Office/Warehouse Use

Title: an Official Zoning Map Amendment of Palm Beach County by Kilday & Associates Inc., Palm Beach County Department of Airports, Agent. Request: to allow a rezoning from the Residential High Density (RH) in-part, the Multi-family Residential (RM) in-part, the Light Industrial (IL) in-part, and the General Commercial (CG) in-part Zoning Districts to the Public Ownership (PO) Zoning District.

General Location: Area 1 - Northeast and northwest intersection of Military Trail and Southern Boulevard; Area 2 - Southeast intersection of Military Trail and Belvedere Road, west of the existing Palm Beach International Airport runway; Area 3 - north of Belvedere Road and the existing Palm Beach International Airport runway; Area 4 - parcels generally located at the northwest and northeast intersection of Belvedere Road and 5th Street; and Area 5 - parcels generally located on Grace Drive. **(PBIA Properties Rezoning)** (Control 2008-00362)

Pages: 103 - 136

Conditions of Approval (134 - 135)

Project Manager: Donna Adelsperger

Size: 407.30 acres ±

BCC District: 6

(affected area 239.10 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 6 Voluntary Commitments.

Zoning Commission Recommendation: Approval: 7-0 for both

MOTION: To recommend approval of a Development Order Abandonment to revoke Resolution R-80-1615 which granted a Special Exception to allow an Office/Warehouse Combination.

MOTION: To recommend approval on first reading, of an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) in-part, the Multi-family Residential (RM) in-part, the Light Industrial (IL) in-part, and the General Commercial (CG) in-part Zoning Districts to the Public Ownership (PO) Zoning District and to schedule a second hearing on May 28, 2009.

10. **ZV/DOA-2008-01684** Title: a Development Order Amendment application of Mountaineer Properties LLC by Covelli Design Associates Inc., Agent. Request: to modify/delete conditions of approval (Landscaping, Lighting, Use Limitations) and add land area
General Location: Northwest corner of Century Boulevard and East Drive. **(Resident Service Center)** (Control 1993-00040)

Pages: 137 - 161

Conditions of Approval (152 - 157)

Project Manager: Carol Glasser

Size: 2.38 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Amendment to modify/delete conditions of approval as amended by Staff and add land area subject to 23 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 modify/delete conditions of approval (Landscaping, Lighting, and Use Limitations) and add land area subject to the conditions of approval in Exhibit C.

11. **DOA-2008-01908** Title: a Development Order Amendment application of Donna Klein Jewish Academy Inc. by Land Design South of Florida Inc., Agent. Request: to delete land area
General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(Delray Marketplace TMD)** (Control 2004-00616)

Pages: 162 - 186

Project Manager: Carol Glasser

Size: 82.99 acres ±

BCC District: 5

(affected area 9.89 acres ±)

Staff Recommendation: Staff recommends approval. (Conditions applicable to the Delray Marketplace TMD are carried forward in concurrent application TDD/DOA2008-1912)

Zoning Commission Recommendation: Approval: 6-1

MOTION: To adopt a resolution approving a Development Order Amendment to delete land area.

12. **PDD/DOA-2008-01911** Title: an Official Zoning Map Amendment to a Planned Development District application of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to allow a rezoning from the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District to the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District
Title: a Development Order Amendment of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to add land area, delete land area, and to modify the Master Plan.
General Location: Northeast corner of West Atlantic Avenue and Lyons Road. **(Ascot - Lyons and Atlantic PUD)** (Control 2004-00369)

Pages: 187 - 229

Conditions of Approval (204 - 221)

Project Manager: Carol Glasser

Size: 382.56 acres ±

BCC District: 5

(affected area 9.89 acres ±)

Staff Recommendation: Staff recommends approval subject to 63 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 6-1 for both

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District to the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area, delete land area, and to modify the Master Plan subject to the conditions of approval in Exhibit C.

13. **TDD/DOA-2008-01912** Title: an Official Zoning Map Amendment to a Traditional Development District application of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District to the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District
Title: a Development Order Amendment of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to add land area.
General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(Delray Marketplace TMD)** (Control 2004-00616)

Pages: 230 - 269

Conditions of Approval (246 - 260)

Project Manager: Carol Glasser

Size: 82.99 acres ±

BCC District: 5

(affected area 9.87 acres ±)

Staff Recommendation: Staff recommends approval subject to 77 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 6-1 for both

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District to the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area subject to the conditions of approval in Exhibit C.

14. **PDD/R-2008-01903** Title: an Official Zoning Map Amendment to a Planned Development District application of Friends Of Chabad Of Boca Raton Inc by Miller Land Planning, Agent. Request: to allow a rezoning from Commercial General (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

Title: a Requested Use of Friends Of Chabad Of Boca Raton Inc by Miller Land Planning, Agent. Request: to allow a place of worship, daycare general, and financial institution with 4 drive-thru lanes.

General Location: Approximately 490 feet north of Clint Moore Road on the east side of Military Trail. **(Addison Court (Friends of Chabad))** (Control 1995-00017)

Pages: 270 - 298

Conditions of Approval (284 - 290)

Project Manager: Joyce Lawrence

Size: 6.12 acres ±

BCC District: 4

(affected area 3.07 acres ±)

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 for both

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

MOTION: To adopt a resolution approving a requested use to allow a place of worship, daycare general, and financial institution with 4 drive-thru lanes.

15. **Z-2008-01909** Title: an Official Zoning Map Amendment. application of Palm Beach County by Gentile Holloway O'Mahoney & Assoc, Palm Beach County, Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District

General Location: Northeast of the intersection of Jupiter Beach Road and S.R. A-1-A, at the north terminus of Dubois Road. **(DuBois Park Rezoning)** (Control 2008-00281)

Pages: 299 - 310

Conditions of Approval (310 - 310)

Project Manager: Ora Owensby

Size: 21.46 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request, subject to 3 Voluntary Commitments as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment, to allow a rezoning from the Single Family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District.

- 16. **DOA-2008-01897** Title: a Development Order Amendment application of Atlantic Commons by Atlantic Commons Associates LLLP, Agent. Request: to reconfigure master plan, add units, allow a model row, modify conditions of approval (PUD and PREM), and restart the commencement clock
General Location: Northeast of Atlantic Avenue and Florida Turnpike. (**Atlantic Commons PUD**) (Control 2004-00525)

Pages: 311 - 365

Conditions of Approval (335 - 353)

Project Manager: Ora Owensby

Size: 124.20 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request, subject to 51 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 master plan, add units, allow a model row, modify conditions of approval (PUD and PREM), and restart the commencement clock.

F. CORRECTIVE RESOLUTIONS

- 17. Corrective Resolution: To correct Engineering Condition 7 in Exhibit C of Resolution R-2009-0369. (Woodwind PUD) (R-2009-0369, Control 2004-524)

Pages: 366 - 367

MOTION: To adopt a resolution to correct Engineering Condition 7 in Exhibit C of Resolution R-2009-0369.

- 18. **Corrective Resolution:** To correct the reference to the resolution that was abandoned by Resolution R-2009-0162. (Republic Services of Palm Beach) (R-2009-0162, Control 1994-036)

Pages: 368 - 369

MOTION: To adopt a resolution to correct the reference to the resolution that was abandoned by Resolution R-2009-0162.

- 19. **Corrective Resolution:** To delete the Conditions of Approval in Exhibit C of Resolution R-2009-0161. (Republic Services) (R-2009-0161, Control 1994-036)

Pages: 370 - 370

MOTION: To adopt a resolution to delete the Conditions of Approval in Exhibit C of Resolution R-2009-0161.

- 20. **Corrective Resolution:** To correct the Applicant Name of Resolution R-2009-0361 and R-2009-0362. (Jewish Association for Residential Care Inc.) (R-2009-0361 and R-2009-0362, Control 2008-279)

Pages: 371 - 371

MOTION: To adopt a resolution to correct the Applicant Name in Resolutions R-2009-0361 and R-2009-0362.

- 21. **Corrective Resolution:** To correct the Applicant Name of Resolution R-2009-0363 and R-2009-0364. (Jewish Association for Residential Care Inc.) (R-2009-0363 and R-2009-0364, Control 2008-284)

Pages: 372 - 372

MOTION: To adopt a resolution to correct the Applicant Name of Resolution R-2009-0363 and R-2009-0364.

G. TDR CONTRACT AMENDMENTS

H. TDR CONTRACT, ESCROW AGREEMENT AND DEED

I. ABANDONMENTS

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT

- B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

- C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

- D. PREVIOUSLY POSTPONED STATUS REPORTS

22. **SR 1992-007.9** Status Report for Resolutions R-1993-515 and R-1993-516 (Control # 1992-007). Property Owner: Morningstar Nursery, Inc. General Location: northeast corner of Hypoluxo Road and Military Trail. Current Zoning: CC-Community Commercial with a Special Exception for a Planned General Commercial Development (**Lipkins PCD**)

Pages: 373 - 377

Size: 7.92 acres ±

BCC District: 3

MOTION: To approve:1) the revocation of Concurrency for the Planned General Commercial Development, including a fast food restaurant with drive-thru window, auto service station (automatic) and financial institution with 3 drive-up tellers; 2) the adoption of a resolution to revoke Resolution R-1993-516 approving the Special Exception for a Planned General Commercial District.

23. **SR 2001-005.3** Status Report for Resolution R-2001-2067 (Control # 2001-005). Property Owner: Morningstar Nursery, Inc. General Location: 600 feet north of Hypoluxo Road on the east side of Military Trail. Current Zoning: Multiple Use Planned Development (MUPD) with two (2) daycares, general and congregate living facility, Type III (**Okean Office MUPD**)

Pages: 378 - 381

Size: 19.18 acres ±

BCC District: 3

MOTION: To approve a time extension until December 31, 2010, for Resolution R-2001-2067.

- E. STATUS REPORTS - NEW

24. **SR NPN-13.5** Status Report for Resolution R-1994-1469 (Control # NPN-13). Property Owner: Via Palma Delray, Inc. General Location: south side of Via Delray, on the east side of the LWDD E-3 Canal. Current Zoning: Planned Unit Development (**Coral Lakes PUD**)

Pages: 382 - 386

Size: 1.23 acres ±

BCC District: 5

DISCLOSURE

MOTION: To approve a time extension until February 22, 2012 to record the plat.

25. **SR 1989-027A.5** Status Report for Resolution R-98-1513 (Control # 1989-027). Property Owner: Limestone Private School, Inc. General Location: east side of First Street, 147 feet north of Southern Boulevard. Current Zoning: RS-Single Family Residential with a Class A Conditional Use (CA) to allow a Daycare, general (**Planet Kids IV**)

Pages: 387 - 390

Size: 0.87 acres ±

BCC District: 6

DISCLOSURE

MOTION: To approve a time extension until January 2, 2012, for Resolution R-98-1513.

26. **SR 1999-045.2** Status Report for Resolutions R-1999-2064 and R-1999-2065 (Control # 1999-045). Property Owner: Gateway Community Church Inc. General Location: 0.4 miles north of Hypoluxo Rd. on the west side of Lawrence Road. Current Zoning: RS-Residential Single Family with a Conditional Use A to allow a church or place of worship (**Gateway Community Church**)

Pages: 391 - 394

Size: 5.20 acres ±

BCC District: 3

DISCLOSURE

MOTION: To approve a time extension until February 3, 2012, for Resolutions R-1999-2064 and R-1999-2065.

27. **CR 1992-048C/2** Status Report for Resolution R-2007-0229 (Control # 1992-048). Property Owner: Muslim Community of Palm Beach, Inc. General Location: 174 feet east of Haverhill Road on the north and south sides of Purdy Lane. Current Zoning: Single Family Residential (RS) Zoning District with a Class A Conditional Use to allow a church or place of worship (**Muslim Community Center**)

Pages: 395 - 398

Size: 7.89 acres ±

BCC District: 2

DISCLOSURE

MOTION: To direct Code Enforcement to cite property owner for failure to comply with condition #2 of Resolution R-2007-0229.

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

28. **SCA-2009-00002** Title: Robert Schemel application of Robert Schemel by Urban Design Studio, Agent. Request: HR-8 to INST
General Location: West side of Sims Road, 0.25 mile north of Atlantic Avenue. (**Atlantic/Sims Medical Office**) (Control 1986-00026)

Pages: 399 - 422

Project Manager: Edward Fernandez

Size: 1.70 acres ±

BCC District: 5

Staff Recommendation: Approval of the proposed amendment from High Residential, 8 units per acre (HR-8) to Institutional (INST).

MOTION: To adopt an ordinance approving the proposed amendment from HR-8 to INST.

29. **ZV/ABN/Z-2008-01905** Title: a Development Order Abandonment application of Colonial Inn by Urban Design Studio, Agent. Request: to abandon Resolution R-1986-642 which granted a Special Exception to allow a Congregate Living Facility
Title: an Official Zoning Map Amendment of Colonial Inn by Urban Design Studio, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Institutional Public Facility (IPF) Zoning District.
General Location: Approximately 1/4 mile north of Atlantic Avenue, on the west side of Sims Road. **(Colonial Inn)** (Control 1986-00026)

Pages: 423 - 444

Conditions of Approval (436 - 437)

Project Manager: Douglas Robinson

Size: 1.70 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to twelve (12) conditions of approval in Exhibit C and two (2) Variance Conditions in Exhibit C.1.

Zoning Commission Recommendation: Approval: 6-1

MOTION: To adopt a resolution approving the abandonment of Resolution R-1986-642 which granted a Special Exception to allow an adult congregate living facility.

MOTION: To adopt a resolution approving an Official Map Amendment from the Multi-family Residential (RM) Zoning District to the Institutional Public Facility (IPF) Zoning District.

30. **SCA-2008-00017** Title: application of McLaren Const Co Inc, RaceTrac Petroleum Inc. by Brandenburg & Associates P.A., Agent. Request: MR-5 & U/T to CH
General Location: Northeast corner of Wallis Road and Haverhill Road. **(Haverhill / Wallis Race Trac)** (Control 2005-00514)

Pages: 445 - 470

Project Manager: Nathaniel Marx

Size: 1.96 acres ±

BCC District: 6

Staff Recommendation: Approval of the proposed amendment from Medium Residential, 5 units per acre & Utilities and Transportation (MR-5 & U/T) to Commercial High (CH) with two conditions: 1) the easternmost 50 feet of the amendment shall be depicted as commercial with cross-hatching (CHX), limiting uses to water retention, and/or landscaping; 2) the maximum intensity of the amendment shall be limited to 24,600 square feet.

MOTION: To adopt an ordinance approving the proposed amendment from MR-5 & U/T to CH with conditions

31. **Z/CA-2007-01608** Title: an Official Zoning Map Amendment application of McLaren Const Co Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a rezoning from Multi-Family Residential (RM) Zoning District to the General Commercial (CG) Zoning District
Title: a Class A Conditional Use of McLaren Const Co Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a Convenience Store with Gas Sales.
General Location: The property is located on the northeast corner of Haverhill Road and Wallis Road. (**RaceTrac Haverhill**) (Control 2005-00514)
- Pages: 471 - 499
Conditions of Approval (488 - 491)
Project Manager: Joyce Lawrence
Size: 1.96 acres ± BCC District: 6
- 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 for both
- MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from Residential Multi-Family (RM) Zoning District to the Commercial General (CG) Zoning District.
- MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a Convenience Store with Gas Sales.

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

I. ZONING APPLICATIONS - NEW

32. **Z-2008-01669** Title: an Official Zoning Map Amendment application of Palm Beach County by Palm Beach County, Agent. Request: Rezoning from the Preservation/Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District

General Location: Approximately 0.1 mile south of Blue Heron Boulevard and approximately 1,000 feet northeast of the Port of Palm Beach and 1,500 feet due west of Lake Worth Inlet. **(Peanut Island Rezoning)** (Control 1976-00101)

Pages: 500 - 530

Conditions of Approval (516 - 517)

Project Manager: Donna Adelsperger

Size: 84.00 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request, subject to a Conditional Overlay Zone and six (6) Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To adopt a resolution approving an Official Map Amendment from the Preservation/ Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone.

33. **Z-2008-02217** Title: an Official Zoning Map Amendment application of South Indian River Water Control District by Urban Design Studio, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District

General Location: Approximately 2 miles north of Donald Ross Road on the east side of 69th Drive North and the west of the Florida's Turnpike. **(Palm Beach Country Estates Community Park)** (Control 2008-00117)

Pages: 531 - 553

Conditions of Approval (542 - 543)

Project Manager: Donna Adelsperger

Size: 2.41 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment subject to 10 Conditions of Approval as contained in Exhibit C with a Conditional Overlay Zone.

Zoning Commission Recommendation: Approval: 6-1

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone.

J. ULDC AMENDMENTS

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

34. **RESOLUTION CORRECTING RESOLUTION R-2008-1754**, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE OFFICIAL SCHEDULES OF FEES TO BE CHARGED FOR PLANNING, ZONING AND ADMINISTRATION APPLICATIONS, ADMINISTRATIVE REVIEWS, SPECIAL PERMITS, LEGAL ADVERTISING, DOCUMENTS AND REPRODUCTION OF RECORDS, AS PROVIDED FOR BY ARTICLE 2 CHAPTER A, SECTION 1.C.2, PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR MODIFICATION OF INCREASE OF FEES; PROVIDING FOR AN EFFECTIVE DATE, FOR PERIODIC REVIEW, AND FOR OTHER PROVISIONS.

Pages: 554 - 557

MOTION: To adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida, amending R-2008-1754 the Official Schedules of Fees to be charged by Planning, Zoning and Administration to correct previous Schedule of Fees.

DIRECTOR COMMENTS

- A. EXECUTIVE DIRECTOR
- B. COUNTY ATTORNEY
- C. PLANNING DIRECTOR
- D. ZONING DIRECTOR

COMMISSIONER COMMENTS**ADJOURNMENT**