



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AMENDMENTS TO THE AGENDA
April 22, 2010**

**AGENDA ITEM #
PAGE #**

APPLICATION/CHANGE

POSTPONEMENTS TO JUNE 24, 2010

- | | | | |
|----|---------|--|--------------------------|
| 2. | (2-5) | STR-2001-00056-3
(Control 2001-056) | Carpenters Union |
| 3. | (6-10) | CR-2008-00243-1
(Control 2008-243) | Hypoluxo Shoppes |
| 5. | (14-17) | STR-2003-00087-1
(Control 2003-087) | Lake Worth & Nassau MUPD |

AMENDMENTS

- | | | | |
|----|---------|------------------------------------|------------------|
| 6. | (18-34) | Z-2009-4543
(Control 2009-2434) | Tidal Wave South |
|----|---------|------------------------------------|------------------|

Delete Engineering Conditions E.5 and E.6 and renumber accordingly.

5. The Property owner shall, as determined by the County Engineer, either:

i. Construct separate turn lanes (exclusive right and shared through/left, or as approved by the County Engineer) on the west approach of Wallis Road/Jog Road intersection. This construction shall be concurrent with the paving and drainage improvements for the site. 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. OR

ii. Fund 8 percent of the cost of signal installation if warranted as determined by the County Engineer at the Wallis Rd/Jog Rd intersection. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and required utility relocation and right of way or easement acquisition.

a. Prior to the issuance of the first building permit, the Property Owner shall either obtain permits required from Palm Beach County for the turn lane construction OR provide to the Traffic Division an acceptable surety for 8 percent of the cost of signal installation in an amount as determined by the Director of Traffic Division. (BLDG PERMIT: MONITORING-Eng)

b. If required, construction of the turn lane shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

c. If the signal surety is required, in order to be relieved from the signal condition above and have surety returned for the traffic signal work, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at Wallis Rd/Jog Rd intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING:ENGINEERING-Eng)

- | | | | |
|----|---------|------------------------------------|------------------|
| 7. | (35-51) | Z-2009-4544
(Control 2009-2435) | Tidal Wave North |
|----|---------|------------------------------------|------------------|

Delete Engineering Conditions E.3, E.4 and E.5 and renumber accordingly.

3. The Property owner shall, as determined by the County Engineer, either:

i. Construct separate turn lanes (exclusive right and shared through/left, or as approved by the

County Engineer) on the west approach of Wallis Road/Jog Road intersection. This construction shall be concurrent with the paving and drainage improvements for the site. 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. OR

ii. Fund 43 percent of the cost of signal installation if warranted as determined by the County Engineer at the Wallis Rd/Jog Rd intersection. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and required utility relocation and right of way or easement acquisition.

a. Prior to the issuance of the first building permit, the Property Owner shall either obtain permits required from Palm Beach County for the turn lane construction OR provide to the Traffic Division an acceptable surety for 43 percent of the cost of signal installation in an amount as determined by the Director of Traffic Division. (BLDG PERMIT: MONITORING-Eng)

b. If required, construction of the turn lane shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

c. If the signal surety is required, in order to be relieved from the signal condition above and have surety returned for the traffic signal work, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at Wallis Rd/Jog Rd intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING:ENGINEERING-Eng)

**8. (52-72) Z-2009-4545 Tidal Wave Central
(Control 2009-2436)**

Delete Engineering Conditions E.4 and E.5 and renumber accordingly.

~~3. ... Separate turn lanes (exclusive right and shared through/left, or as approved by the County Engineer) on the west approach of Wallis Road/Jog Road intersection...~~

4. The Property owner shall, as determined by the County Engineer, either:

i. Construct separate turn lanes (exclusive right and shared through/left, or as approved by the County Engineer) on the west approach of Wallis Road/Jog Road intersection. This construction shall be concurrent with the paving and drainage improvements for the site. 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. OR

ii. Fund 49 percent of the cost of signal installation if warranted as determined by the County Engineer at the Wallis Rd/Jog Rd intersection. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and required utility relocation and right of way or easement acquisition.

a. Prior to the issuance of the first building permit, the Property Owner shall either obtain permits required from Palm Beach County for the turn lane construction OR provide to the Traffic Division an acceptable surety for 49 percent of the cost of signal installation in an amount as determined by the Director of Traffic Division. (BLDG PERMIT: MONITORING-Eng)

b. If required, construction of the turn lane shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

c. If the signal surety is required, in order to be relieved from the signal condition above and have surety returned for the traffic signal work, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at Wallis Rd/Jog Rd intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING:ENGINEERING-Eng)

**13. (137-160) ABN/DOA-2009-3922 Wyndsong Ranch PUD
(Control 2005-452)**

Amend Landscape Condition 2.b. to read as follows:

2.b...trunk diameter: ~~to meet grade and standards three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;~~

**14. (161-192) PDD/R-2009-3923 Gardens Park Congregate Living Facility
(Control 1997-075)**

Amend Landscape Condition 2.b. to read as follows:

trunk diameter: to meet grade and standards three and one-half (3.5) inches measured at four

and one-half (4.5) feet above grade;

**16. (228-270) ZV/DOA-2009-2681 Hatties Landing
(Control 1984-159)**

Amend Site Design Condition 1 to read as follows:

1. Prior to final site plan approval by the Development Review Officer (DRO) all existing structures and on-site improvements on the expanded area shall receive a building permit approval. (DRO: Zoning- Building Permit)

Add New Site Design Condition 5 to read as follows:

5. Prior to final site plan approval by the Development Review Officer (DRO) the applicant shall submit the approved building permit for parking existing along the north property line. (DRO: Zoning- Building Permit)

Add New Site Design Condition 6 to read as follows:

6. Previously approved and constructed parking adjacent to the north property line as indicated on an approved building permit may remain until such time the County requires construction of the right turn lane or otherwise provided in the removal agreement dated May 24th 2004. At the time of the right turn lane construction or subject to the removal agreement on-site improvements shall be constructed consistent with the site plan dated November 23, 2009. (Building Permit: Traffic-Zoning)

**18. (331-379) DOA/TDR-2009-3950 Windsor Place MXP
(Control 2003-079)**

Amend Landscape – General Condition 1 to read as follows:

Tree height: fourteen (14) feet except for the north, west, and northwest property lines where tree height shall be upgraded to sixteen (16) feet.

**19. (402-424) DOA-2009-4539 Palm Beach Aggregates
(Control 1989-052)**

Amend All Petitions COA # 3.a.

Changes resulting from the SFWMD reservoir project on lands owned by the SFWMD shall not require a Development Order Amendment to modify these conditions of approval. These conditions ERM 2, ERM 3, ERM 5, ERM 7, ERM 10, Landscape 1, Landscape 2, and Landscape 3, as carried forward herein ~~will~~ may be modified pursuant to an agreement to be entered into between Palm Beach County (PBC), South Florida Water Management District (SFWMD) and Palm Beach Aggregates (PBA) regarding the wildlife corridor, landscaping, and littoral shelves for consistency with SFWMD plans for its reservoir projects. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates, and SFWMD ~~and the power plant.~~]

Amend Environmental Conditions 2 to read as follows:

2. A minimum 400 foot wide ~~wildlife~~ corridor, except adjacent to the south one half of the east border of Section 20 which may be reduced to 200 feet, shall be established along the western border of the L-8 canal for the entire length of the property which will permit the establishment of a wildlife corridor within an area to be mutually agreed upon by the South Florida Water Management District and ERM. A maximum 92 foot wide littoral shelf may encroach the 400 foot corridor. No littoral shelf shall be permitted to encroach the 200 foot wide segment. The wildlife corridor shall be shown with the proposed Okeechobee Road right-of-way on the Final Excavation Plan and all applicable site plans prior to final approval by the Development Review Officer (DRO). (DRO: ERM - ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 2. of Resolution R-2007-2144, Control No. 1989-052)

Amend Environmental Conditions 6 to read as follows:

6. The Wildlife Corridor shall be conveyed to Palm Beach County ~~prior to DRO final site plan certification.~~ on a schedule to be mutually agreed upon by the South Florida

Water Management District and Palm Beach County. (DRO: ERM ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD] (Previous Environmental Condition 6. of Resolution R-2007-2144, Control No. 1989-052)

Amend Environmental Conditions 9 a 1 and 2, c., d, and g to read as follows:

9. A Wildlife Corridor Planting Plan (Plan) shall be submitted to the Department of Environmental Resources Management (ERM) as part of a DRO Master Plan certification submittal.

a. The Plan will include: 1) A double row of native canopy trees planted for the length of the corridor 15' on-center with half of the trees a minimum of 14' high and half of the trees 6' high or a mixture of trees, shrubs, and ground covers of equivalent value approved by ERM; and 2) an average 150' wide meandering slope area planted for the length of the corridor with native grasses and ground cover taking into account the topography of the site;

c. The Plan will assume 107 acres of planting area within the corridor based upon a current depiction of available planting area provided by the South Florida Water Management District. ~~However, as specified in Environmental Condition 2 of R-2007-2144, this leaves the corridor 60 acres short of the required 167 acres. To compensate for the shortfall in acreage, The Plan will incorporate the an 8-10 foot shell rock multi-use trail through the corridor contemplated in the Corbett Loxahatchee Wildlife Corridor Plan' prepared by Glatting, Jackson, Kercher, Anglin, Lopez and Rinehart, Inc. and dated August, 2003. along with three (3) chickee huts (10'x12') evenly spaced along the trail.~~

d. The Plan shall commit to specific time frames contingent upon the availability of the graded area to be planted from the SFWMD.

f. At the time SFWMD makes the corridor available for planting, the grades, slopes and elevations may differ from what exists today and may necessitate adjustment of the Plan to reasonably expect planted survivorship. PBA shall, with direction from ERM, make any necessary adjustments, including final spacing, to the planting plan.

g. Items a, b and c above shall be submitted to and shall necessitate approval by ERM prior to DRO Master Plan approval, but no later than August 1, 2010. ERM shall not certify the Master Plan request absent these listed items.

Delete Landscape Condition 1.a. and re-number accordingly:

~~1.a. The petitioner shall provide a minimum fifteen (15) feet high berm graded at a 5:1 slope with native landscape plantings within the western side of the 400 feet wide wildlife corridor.~~

Delete Landscape Condition numbers 2 and 3 and re-number accordingly.

Amend Compliance Condition 3

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
All Petitions 1	YES	YES	YES
All Petitions 2	NO	NO	YES
All Petitions 3	YES	YES	YES <u>NO</u>
All Petitions 4	NO	NO	YES
All Petitions 5	YES	NO	NO
All Petitions 6	YES	YES	YES
All Petitions 7	N/A	N/A	N/A
All Petitions 8	NO	NO	YES
All Petitions 9	NO	NO	YES
Access 1	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Access 2	YES	NO	NO
DRO-DRI 1	YES (ONLY FOR AREAS NOT OWNED BY SFWMD)	NO	NO
DRO-DRI 2	YES	NO	NO
DRO-DRI 3	YES	NO	NO
DRO-Monitoring 1	YES	NO	NO
DRO-Monitoring 2	N/A	N/A	N/A
DRO-Monitoring 3	YES	NO	NO
DRO-Monitoring 4	YES	NO	NO
DRO-Monitoring 5	YES	NO	NO
DRO-Monitoring 6	YES	NO	NO
DRO-Monitoring 7	YES	NO	NO
DRO-Monitoring 8	YES	NO	NO
DRO-Monitoring 9	YES	NO	NO
DRO-Phasing 1	YES	NO	NO
DRO-Phasing 2	YES	NO	NO
DRO-Reclamation 1	YES	YES	NO
DRO-Reclamation 2	YES	NO	NO
DRO-Separation 1	YES	NO	NO
DRO-Setbacks 1	YES	NO	NO
Engineering 1 A & B	YES	NO	NO
Engineering 2 A, B & C	YES	NO	NO
Engineering 3	YES	NO	NO
Engineering 4	YES	NO	NO
Engineering 5	YES	NO	YES
Engineering 6	YES	NO	NO
Engineering 7	YES	NO	YES
Engineering 8	YES	NO	NO
Environmental Resources Management 1	YES - REQUIREMENT EXPIRES WHEN SFWMD ACCEPTS POSSESSION OF COMPLETED RESERVOIRS	NO	NO
Environmental Resources Management 2	YES	YES	NO
Environmental Resources Management 3	N/A	N/A	N/A
Environmental Resources Management 4	YES	YES	NO
Environmental Resources Management 5	N/A	N/A	N/A

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Environmental Resources Management 6	YES	YES	NO
Environmental Resources Management 7	N/A	N/A	N/A
Environmental Resources Management 8	YES	NO	NO
Environmental Resources Management 9	YES	YES	NO
<u>Environmental Resources Management 10</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Health 1	YES	NO	YES
Health 2	YES	NO	YES
Health 3	YES	NO	YES
Health 4	NO	NO	YES
Health 5	NO	NO	YES
Landscaping 1	YES	NO	NO
Landscaping 2	YES	NO	NO
Landscaping 3	YES	NO	NO
Landscaping 42	YES	NO	NO
Landscaping 53	YES	YES	YES
Lighting 1	YES	YES	YES
Lighting 2	YES	NO	NO
Planning 1	YES	NO	YES
Planning 2	YES	NO	YES
Planning 3	YES	NO	NO
Planning 4	YES	NO	NO
Planning 5	YES	NO	NO
Signs 1	YES	NO	YES
Site Design-Blasting 1	YES	NO	NO
Site Design-Blasting 2	YES	NO	NO
Site Design-Blasting 3	YES	NO	NO
Site Design-Blasting 4	YES	NO	NO
Site Design- Blasting 5	YES	NO	NO
Site Design-Blasting 6	YES	NO	NO
Site Design-Blasting 7	YES	NO	NO
Site Design-Blasting 8	YES	NO	NO
Site Design-Blasting 9	YES	NO	NO
Towers 1	YES	NO	YES
Towers 1	YES	NO	YES
Use Limitations 1	YES	NO	NO
Use Limitations 2	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Use Limitations 3	YES	NO	NO
Use Limitations 4	YES	NO	NO
Use Limitations 5	YES	NO	NO
Use Limitations 6	YES	NO	NO
Utilities 1	YES	YES	YES
Utilities 2	YES	YES	YES
Utilities 3	YES	YES	YES
Utilities 4	YES	NO	NO
Compliance 1	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 2	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 3	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 4	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 5	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator

Amend Engineering Condition 1 to read as follows:

1.... reflect the Okeechobee Road right-of-way and the area of the existing connection between Lake 1 and 2 of the SFWMD L-8 Reservoir... ~~[Note: COMPLETED]~~

1. a. The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the east property line to the L-8 Canal within 2 years of the road being placed on the 5 Year Road Program for construction. ~~90 days of a determination that the right of way is required.~~-(ONGOING: ENGINEERING-Eng). [This condition is applicable to Palm Beach Aggregates only.]

1.b. ... All right of way shall be conveyed within 2 years of the road being placed on the 5 Year Road Program for construction ~~ninety (90) days of a determination that the right of way is required~~ ...except for the existing Florida Power and Light easements through the site and the SFWMD easement at the existing connection between Lake 1 and 2 of the SFWMD L-8 Reservoir . The property owner shall convey right of way in a suitable graded, compacted surface and/or structure to accommodate a crossing for the proposed extension of Okeechobee Boulevard in the area of the connection between Lake 1 and 2, as approved by the County Engineer. The Grantor agrees to hold Grantee harmless and shall be responsible for all costs of the grading and compaction of surface or structure crossing. ...

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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY APRIL 22, 2010

9:30 A.M. 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/REMANDS/WITHDRAWALS AGENDA

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 22, 2010

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/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **DOA/EAC-2009-03925** Title: a Development Order Amendment application of Packer Family Ltd Partnership by Johnston Group Land Development Consultants Inc., Agent. Request: to allow modification Conditions of Approval (Automobile Truck and Sale).

General Location: Approximately 0.25 miles East of Palm Beach Lakes Blvd., on the South side of Okeechobee Road. (**PLFP Okeechobee Parcel**) (Control 1997-00110)

Pages: 1 - 1

Project Manager: David McGuire

Size: 0.61 acres \pm

BCC District: 2

Staff Recommendation: To recommend postponement of the application to May 27, 2010.

MOTION: To postpone the application to Thursday, May 27, 2010.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. PREVIOUSLY POSTPONED STATUS REPORT

- 2. **STR-2001-00056-3** Status Report for Resolution R-2002-0835 (Control Number 2001-056) Property Owner: S & M Services III LLC General Location: east side of Congress Avenue between Belvedere Road and Westgate Avenue Current Zoning: General Commercial (CG) with a Conditional Overlay Zone (COZ) **(Carpenters Union)**

Pages: 2 - 5

Size: 2.46 acres ±

BCC District: 2

MOTION: To 1) revoke the concurrency reservation and current approved site plan for Petition Z/COZ 2001-056 and 2) exempt Resolution R-2002-0835 from further ULDC Article 2.E review.

D. STATUS REPORTS - NEW

- 3. **CR-2008-00243-1** Status Report for Resolution R-2008-1959 (Control # 2008-243) Property Owner: Hypoluxo Shoppes Inc General Location: Northeast corner of Hypoluxo Road and High Ridge Road Current Zoning: Multiple Use Planned Development (MUPD) **(Hypoluxo Shoppes)**

Pages: 6 - 10

Size: 4.20 acres ±

BCC District: 3

MOTION: To 1) approve a two year time extension from June 1, 2009 to June 1, 2011 for Condition ENG.2 of Resolution R-2008-1959 and 2) revoke Concurrency.

- 4. **STR-1981-00233-1** Status Report for Resolution R-2006-0745 (Control #1981-233) Property Owner: Grand Lacuna Group, Inc. and Lacuna Homeowners Association, Inc. General Location: Southwest Corner of Grand Lacuna Boulevard and Rolling Hills Boulevard Current Zoning: Residential Transitional with a Special Exception for a Planned Unit Development (RT/SE) **(Balmoral Country Club PUD)**

Pages: 11 - 13

Size: 9.49 acres ±

BCC District: 3

MOTION: To approve a three-year time extension from April 27, 2010 to April 27, 2013 to record a plat.

- 5. **STR-2003-00087-1** Status Report for Resolution R-2004-0733 (Control # 2003-087) Property Owner: Palms West Professional Plaza LLC General Location: NE corner of Lake Worth Road and Nassau Road Current Zoning: Multiple Use Planned Development (MUPD) (**Lake Worth & Nassau MUPD**)

Pages: 14 - 17

Size: 8.41 acres ±

BCC District: 2

MOTION: To 1) approve a three year time extension from July 9, 2009 to July 9, 2012 to commence development and 2) revoke concurrency.

E. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 6. **Z-2009-04543** Title: an Official Zoning Map Amendment application of Tidal Wave Development Corp by Urban Design Kilday Studios, Agent. Request: To allow for a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ).

General Location: North side of Southern Boulevard, approximately .25 miles west of Tall Pines Road (**Tidal Wave South**) (Control 2009-02434)

Pages: 18 - 34

Conditions of Approval (28 - 30)

Project Manager: Andrea Harper

Size: 4.81 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 11 Conditions of Approval as indicated in Exhibit C.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow for a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

- 7. **Z-2009-04544** Title: an Official Zoning Map Amendment application of Tidal Wave Management Corp Inc by Urban Design Kilday Studios, Agent. Request: To allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ).

General Location: Southwest corner of Tall Pines Road and the LWDD L-4 Canal (**Tidal Wave North**) (Control 2009-02435)

Pages: 35 - 51

Conditions of Approval (46 - 47)

Project Manager: Andrea Harper

Size: 18.55 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request to 11 Conditions of Approval 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 Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

- 8. **Z-2009-04545** Title: an Official Zoning Map Amendment application of Tidal Wave Development Corp by Urban Design Kilday Studios, Agent. Request: To allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ).

General Location: Northwest corner of Tall Pines Road and Wallis Road (**Tidal Wave Central**) (Control 2007-00236)

Pages: 52 - 72

Conditions of Approval (66 - 67)

Project Manager: Andrea Harper

Size: 18.22 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 11 Conditions of Approval 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 Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

F. ZONING APPLICATIONS - NEW

G. CORRECTIVE RESOLUTIONS

H. ABANDONMENTS

END OF CONSENT AGENDA

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

E. STATUS REPORTS - NEW

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

9. [SCA-2010-00022](#) Title: Osprey Isles CLF Corrective, Small Scale Land Use Amendment application of Four Jr Corporation by Land Research Management Inc., Agent. Request: To modify conditions of approval
General Location: Northwest corner of Northlake Boulevard and Memorial Park Road (**Osprey Isles CLF Corrective**) (Control 2005-00599)

Pages: 73 - 78

Project Manager: David Wiloch

Size: 9.89 acres ±

Staff Recommendation: Approval of the proposed amendment to modify conditions of approval

Planning Commission Recommendation: Motion by Mr. Shannon, second by Ms. Murray to recommend approval of staff's recommendation passed in a unanimous 11-0 vote at the February 12, 2010 Planning Commission Public Hearing. Board discussion was minimal.

MOTION: To adopt an ordinance approving the proposed amendment to modify conditions of approval

10. [DOA/R2009-00565](#) To correct Planning Condition-1 and Planning Condition - 2 in Exhibit C of Resolution R-2009-1361 that approved Zoning Application DOA/R-2009-00565 Northlake CLF. (Control 2005-599)

Pages: 79 - 80

MOTION: To adopt a resolution correcting Planning Condition - 1 and Planning Condition - 2 in Exhibit C of Resolution R-2009-1361.

11. **SCA-2010-00004** Title: Belvedere Commerce Center, Small Scale Land Use Amendment application of Belvedere Commerce Center Llc by Land Design South Inc., Agent. Request: From Commercial High (CH) to Commercial High with an underlying Industrial (CH/IND)

General Location: Southeast corner of Belvedere Road and Sansbury's Way (**Belvedere Commerce Center**) (Control 1999-00028)

Pages: 81 - 112

Project Manager: Scott Rodriguez

Size: 8.13 acres \pm

BCC District: 6

Staff Recommendation: Approval of the proposed amendment from Commercial High (CH) to Commercial High with an underlying Industrial (CH/IND).

Planning Commission Recommendation: The Applicant requested a postponement of the Public Hearing from January 15, 2010 to the February 12, 2010 Planning Commission meeting. The applicant requested a postponement of the February 12, 2010 Public Hearing to the March 12, 2010 Planning Commission Meeting. At the March 12, 2010 Planning Commission Public Hearing, a motion by Ms. Ryan, seconded by Ms. Daversa, to recommend approval passed in a unanimous vote (14-0) with Commissioner Merin absent.

MOTION: To adopt an ordinance approving the proposed amendment from Commercial High (CH) to Commercial High with an underlying Industrial (CH/IND).

12. **SCA-2010-00002** Title: Gardens Park Institutional, Small Scale Land Use Amendment application of C Pearson by Cotleur & Hearing Inc., Agent. Request: From Low Residential 3 units per acre (LR-3) to Institutional with an underlying High Residential 8 units per acre (INST/HR-8)

General Location: East side of Hagen Ranch Road, approx. 1.5 miles south of Boynton Beach Blvd (**Gardens Park CLF**) (Control 1997-00075)

Pages: 113 - 136

Project Manager: Sussan Gash

Size: 7.50 acres \pm

BCC District: 5

Staff Recommendation: Approval of the proposed amendment from LR-3 to INST/HR-8 with conditions limiting the subject property to develop as a CLF with a maximum capacity of 135 beds

Planning Commission Recommendation: Motion by Mrs. Daversa, second by Mr. Shannon to recommend approval with staff's recommended conditions passed in a unanimous vote (12-0) at the December 11, 2009 Planning Commission Public Hearing. Board discussion centered on the applicants stated need for the area and whether or not they could use TDR's with the current land use.

MOTION: To adopt an ordinance approving the proposed amendment from LR-3 to INST/HR-8 with conditions.

13. **ABN/DOA-2009-03922** Title: a Development Order Abandonment application of C Bruce Pearson by Cotleur & Hearing Inc., Agent. Request: to abandon Resolutions R-2006-0523 which granted the Transfer of Development Rights (TDR) and R-2006-0742, the corrective resolution

Title: a Development Order Amendment of C Bruce Pearson by Cotleur & Hearing Inc., Agent. Request: to allow reconfiguration of the preliminary master plan, deletion of land area, reduction of units, and modify conditions of approval

General Location: East side of Hagen Ranch Road approximately 1.5 miles south of Boynton Beach Boulevard (**Wyndsong Ranch PUD**) (Control 2005-00452)

Pages: 137 - 160

Conditions of Approval (151 - 156)

Project Manager: Joyce Lawrence

Size: 8.94 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 21 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To adopt a resolution approving a Development Order Abandonment of Resolutions R-2006-0523 which granted the Transfer of Development Rights (TDR) and R-2006-0742, the corrective resolution.

MOTION: To adopt a resolution approving a Development Order Amendment to allow the reconfiguration of the preliminary master plan, deletion of land area, reduction of units, and modify conditions of approval subject to Conditions of Approval as indicated in Exhibit C.

14. **PDD/R-2009-03923** Title: an Official Zoning Map Amendment to a Planned Development District application of C Pearson, Lowell OLMstead by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

Title: a Requested Use of C Pearson, Lowell OLMstead by Cotleur & Hearing Inc., Agent. Request: to allow a Congregate Living Facility, Type III

General Location: On the east side of Hagen Ranch Road approximately 1.5 miles South of Boynton Beach Boulevard (**Gardens Park Congregate Living Facility**) (Control 1997-00075)

Pages: 161 - 192

Conditions of Approval (180 - 183)

Project Manager: Joyce Lawrence

Size: 7.50 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C-1 and 12 Conditions of Approval as indicated in Exhibit C-2.

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

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Requested Use to allow a Congregate Living Facility, Type III, subject to the Conditions of Approval as indicated in Exhibit C-2.

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

15. **DOA/R-2009-00995** Title: a Development Order Amendment application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to modify the site plan

Title: a Requested Use of Woolbright Jog LLC by Land Design South Inc., Agent.
Request: to allow a Day Care, General

General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages: 193 - 227

Conditions of Approval (209 - 222)

Project Manager: Joyce Lawrence

Size: 23.85 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 66 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approval, as amended: 5-2

MOTION: To adopt a Resolution approving a Development Order Amendment to reconfigure the site plan subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Requested Use to allow a Day Care, General subject to Conditions of Approval as indicated in Exhibit C-2.

16. **ZV/DOA-2009-02681** Title: a Development Order Amendment application of Christopher Doyle by Gary M. Brandenburg and Associates, Agent. Request: to reconfigure site plan

General Location: Southwest corner of PGA Blvd and Ellison Wilson Road (**Hatties Landing**) (Control 1984-00159)

Pages: 228 - 270

Conditions of Approval (250 - 252)

Project Manager: Carrie Rechenmacher

Size: 3.73 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval subject to 19 Conditions of Approval as indicated in Exhibit C-2.

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan subject to Conditions of Approval as indicated in Exhibit C-2.

I. ZONING APPLICATIONS - NEW

17. **ZV/DOA/R/W-2009-04750** Title: a Development Order Amendment application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to reconfigure Site Plan, to relocate a plaza, to modify uses, and to reduce square footage
Title: a Requested Use of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow a Daycare, General.
Title: a Waiver of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow a Block Structure waiver.
General Location: Southeast corner of Lyons Road and Boynton Beach Boulevard. **(Canyon Town Center TMD)** (Control 2004-00471)

Pages: 271 - 330

Conditions of Approval (310 - 324)

Project Manager: Monica Cantor

Size: 37.55 acres ±

BCC District: 5

(affected area 26.75 acres ±)

DISCLOSURE

Staff Recommendation: Staff recommends denial of the Block Structure Waiver. Staff recommends approval of the Development Order Amendment and approval of a Requested Use subject to 72 conditions as indicated in Exhibit C-2 and C-3.

Zoning Commission Recommendation: Approval, as amended: 7-1

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure Site Plan, relocate a plaza, modify uses, and reduce square footage subject to the conditions of approval as in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow a Daycare, General subject to the conditions of approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution denying a Waiver to allow a Block Structure Waiver for Block 5.

18. **DOA/TDR-2009-03950** Title: a Development Order Amendment application of Windsor Place Acquisition LLC by Miller Land Planning, Agent. Request: to reconfigure the Master and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscaping, Zoning), and restart the development clock.

Title: a Transfer of Development Rights of Windsor Place Acquisition LLC by Miller Land Planning, Agent. Request: to allow the approval of a Requested Use for the Transfer of Development Rights (TDR) which would add 28 units and to reduce the TDR price to \$1.00 per unit.

General Location: Northwest corner of Hypoluxo Road and Lyons Road. **(Windsor Place MXPD)** (Control 2003-00079)

Pages: 331 - 379

Conditions of Approval (360 - 375)

Project Manager: Carol Glasser

Size: 40.00 acres ±

BCC District: 3

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 49 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approval: 8-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscaping, Zoning), and restart the development clock subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use for the Transfer of Development Rights (TDR) which would add 28 units, and to reduce the TDR price to \$1.00 per unit subject to the Conditions of Approval as indicated in Exhibit C-2.

- 19. **DOA-2009-04539** Title: a Development Order Amendment application of Palm Beach Aggregates LLC by Carlton Fields P.A., Agent. Request: to add land area and to reconfigure the site plan

General Location: Approximately 3 miles west of Seminole Pratt and Whitney Road, on the north side of SR 80. **(Palm Beach Aggregates Excavation Expansion)** (Control 1989-00052)

Pages: 380 - 446

Conditions of Approval (402 - 424)

Project Manager: Joyce Lawrence

Size: 5,128.15 acres ±

(affected area 2,393.42 acres ±)

DISCLOSURE

Staff Recommendation: Staff recommend approval of the request subject to 86 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval, as amended: 7-1

MOTION: To adopt a resolution approving of a Development Order Amendment to add land area and to reconfigure the site plan subject to Conditions of Approval as indicated in Exhibit C.

J. ULDC AMENDMENTS

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT