

Board of County Commissioners
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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AMENDMENTS TO THE AGENDA
January 28, 2010**

AGENDA ITEM #
PAGE #

APPLICATION/CHANGE

AMENDMENTS

4. (4-5) Resolution to Abandon a Development of Regional Impact

Amend title to read as follow:

RESOLUTION TO ABANDON A DEVELOPMENT OF REGIONAL IMPACT AND SPECIAL EXCEPTION

5. (6-16) ABN/COZ-2009-3649 North Palm Beach County General Aviation
(Control 1990-092) Airport

Delete Motion that reads as follow:

MOTION: To adopt a resolution approving an abandonment of the Special Exception approval for a public airport and related facilities.

Delete Engineering Conditions 2, 3 and 4 and renumber remaining condition accordingly.

9. (63-103) Z/COZ-2009-2170 Fun Depot
(Control 2009-2465)

Delete Engineering Conditions E4, E5 and E6 and renumber remaining condition accordingly.

12. (252-255) Unified Land Development Code (ULDC) Moratorium Ordinance For Pain Clinics

Amendments to the ULDC:

#1	Page 252 (Lines 24 - 30)
	Reason for Amendment: [Zoning] Amend to correct scrivener's error and clarify definition.

1. Pain Management Clinic – all privately owned pain management clinics, facilities, or offices, which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Sec. 458.309 or Sec. 459.005, FL Stat. (2009). A physician is primarily

engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists: 1) beyond the usual course of the disease or the injury that is the cause of the pain; ~~beyond the usual course of the disease or the injury that is the cause of the pain~~ or 2) more than 90 days after surgery.

#2	Page 254 (Lines 29 - 35) Reason for Amendment: [Zoning] Amend to correct scrivener's error and clarify definition.
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91.1.Pain Management Clinic – all privately owned pain management clinics, facilities, or offices, which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Sec. 458.309 or Sec. 459.005, FL Stat. (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists: 1) beyond the usual course of the disease or the injury that is the cause of the pain; ~~beyond the usual course of the disease or the injury that is the cause of the pain~~ or 2) more than 90 days after surgery.

Notes for Amendments to the Agenda:

Double underlined language indicates new language.

Language ~~double crossed out~~ indicates language proposed to be deleted.

Underlined language indicates proposed new language.

Language ~~crossed out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY JANUARY 28, 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**

JANUARY 28, 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. **Z/DOA-2009-00205** Title: an Official Zoning Map Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District.
Title: a Development Order Amendment of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to reconfigure the site plan.
General Location: Northwest corner of Lone Pine Road and Prosperity Farms Road **(Maranatha Church)** (Control 1973-00160)

Pages: 1 - 1

Project Manager: Carol Glasser

Size: 12.47 acres ±

BCC District: 1

Staff Recommendation: To recommend postponement of the application to February 25, 2010.

Zoning Commission Recommendation: Approved 8-0

MOTION: To postpone the application to February 25, 2010.

2. **ZV/W/DOA-2008-01900** Title: a Waiver from Traditional Development District parking structures in the Agricultural Reserve Tier application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow surface parking in excess of 1 space per 250 square feet of non-residential floor area.
Title: a Development Order Amendment of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify and delete Conditions of Approval (Building and Site Design, Planning).
General Location: Northwest corner of West Atlantic Avenue and future Lyons Road. **(Delray Marketplace)** (Control 2004-00616)

Pages: 2 - 2

Project Manager: Carol Glasser

Size: 88.33 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: To recommend postponement of the application to February 25, 2010.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To postpone the application to February 25, 2010.

3. **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: 3 - 3

Project Manager: David McGuire

Size: 0.61 acres ±

BCC District: 2

MOTION: To postpone the application to February 25, 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. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

4. RESOLUTION TO ABANDON A DEVELOPMENT OF REGIONAL IMPACT

Pages: 4 - 5

MOTION: To adopt a resolution revoking Resolution R-1990-294, R-1990-296 and R-1994-355

5. ABN/COZ-2009-03649 Title: a Development Order Abandonment application of Palm Beach County Dept. of Airports by Urban Design Kilday Studios, Agent. Request: to allow an abandonment of the Special Exception approval for a public airport and related facilities.

Title: a Conditional Overlay Zone of Palm Beach County Dept. of Airports by Urban Design Kilday Studios, Agent. Request: to allow a Conditional Overlay Zone (COZ).

General Location: North of PGA Blvd. on the west side of SR710 (Beeline Hwy.) (North Palm Beach County General Aviation Airport) (Control 1990-00006)

Pages: 6 - 16

Conditions of Approval (15 - 16)

Project Manager: Carol Glasser

Size: 1,832.31 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an abandonment of the Special Exception approval for a public airport and related facilities.

MOTION: To adopt a resolution approving a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

E. ZONING APPLICATIONS - NEW

- 6. **Z-2009-03944** Title: an Official Zoning Map Amendment application of Pennock Point Estate LLC by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District.

General Location: Southeast side of Pennock Point Road south of Old Fort Jupiter Road (**Pennock Point**) (Control 2009-02233)

Pages: 17 - 30

Conditions of Approval (26 - 26)

Project Manager: Carol Glasser

Size: 1.90 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone subject to 3 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 8-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

G. 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

7. **STR-1999-00036-2** Status Report for Resolution R-2002-0007 (Control # 1999-036). Property Owner: Riverside National Bank of Florida General Location: SE corner of Military Trail and Coconut Lane Current Zoning: MUPD (**Coconut Plaza MUPD**)

Pages: 31 - 34

Size: 3.98 acres \pm

BCC District: 4

DISCLOSURE

MOTION: 1) to approve a three-year time extension, from October 11, 2009 to October 11, 2012 in order to commence development and 2) to revoke Concurrency for the 4,000 square foot proposed bank building.

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

8. **SCA-2010-00001** Title: application of MPC 3 LLC by McCraney Property Co., Agent. Request: From Low Residential, 2 units per acre (LR-2) to Commercial Recreation (CR)
General Location: Southwest corner of Belvedere Road and Cleary Road (**MPC III Commercial Recreation**) (Control 2002-00011)

Pages: 35 - 62

Project Manager: David Wiloch

Size: 47.68 acres \pm

BCC District: 6

(affected area 9.00 acres \pm)

Staff Recommendation: Approval of the proposed amendment from Low Residential, 2 units per acre (LR-2) to Commercial Recreation (CR).

MOTION: To adopt an ordinance approving the proposed amendment from Low Residential, 2 units per acre (LR-2) to Commercial Recreation (CR).

9. **Z/COZ-2009-02170** Title: an Official Zoning Map Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Commercial Recreation (CRE) Zoning District

General Location: Southwest corner of Belvedere Road and Cleary Road. **(Fun Depot)** (Control 2009-02465)

Pages: 63 - 106

Conditions of Approval (84 - 87)

Project Manager: Carol Glasser

Size: 9.02 acres ±

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment with a Conditional Overlay Zone subject to 31 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 8-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Commercial Recreation (CRE) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

I. ZONING APPLICATIONS - NEW

10. [Z/COZ-2009-03936](#) Title: an Official Zoning Map Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Industrial Light (IL) Zoning District.

General Location: South of Belvedere Road on the west side of Cleary Road (**MPC III Turnpike Business Park**) (Control 2002-00011)

Pages: 107 - 140

Conditions of Approval (131 - 135)

Project Manager: Carol Glasser

Size: 38.80 acres \pm

BCC District: 6

(affected area 25.86 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment with a Conditional Overlay Zone subject to 38 Conditions of Approval as indicated in Exhibit C.

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

J. ULDC AMENDMENTS

11. [UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2009-02 ADOPTION HEARING](#)

STAFF RECOMMENDATION: Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ord. 2003-067, as amended.

Pages: 141 - 251

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1 □ GENERAL PROVISIONS; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER E, PRIOR APPROVALS; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2 □ DEVELOPMENT REVIEW PROCESS; CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; ARTICLE 3 □ OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS; ARTICLE 4 □ USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5, SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6 □ PARKING; CHAPTER A, PARKING; ARTICLE 7, LANDSCAPING; CHAPTER C, MGTS TIER COMPLIANCE; ARTICLE 12 □ TRAFFIC PERFORMANCE STANDARDS; CHAPTER G, AFFORDABLE HOUSING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

12. UNIFIED LAND DEVELOPMENT CODE (ULDC) MORATORIUM ORDINANCE FOR PAIN CLINICS

Staff Recommendation: Staff recommends a motion to approve on Preliminary Reading and to advertise for First Reading on February 25, 2010 at 9:30 a.m.

Pages: 252 - 255

MOTION: To approve on preliminary reading and to advertise for First Reading on February 25, 2010 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVAL FOR PAIN MANAGEMENT CLINICS, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1 □ GENERAL PROVISIONS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 3 □ OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); ARTICLE 4 □ USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 6 □ PARKING; CHAPTER A, PARKING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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

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