

Board of County Commissioners

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**PALM BEACH COUNTY ZONING COMMISSION
AMENDMENTS TO THE AGENDA
Thursday, March 6, 2008**

AGENDA

ITEM #/PAGE # PETITION / CHANGE

POSTPONEMENTS (30 days to April 3, 2008)

- 17. Pages 196-216 **PDD/TDR/R2007-1407 (CARLYLE CLF)**

 MOTION: To postpone 30 days until April 3, 2008.

- 19. Pages 254-267 **ZV2007-2015 (VISTA CENTER LOT 19)**

 MOTION: To postpone 30 days until April 3, 2008.

WITHDRAWALS

- 16. Pages 176-195 **ZV2007-1177 (FITZGERALD)**

 MOTION: To withdraw without prejudice.

MOVE TO CONSENT AND AMEND

- 24. Pages 432-462 **DOA/R2007-1774 – SMART CAR DEALERSHIP**

Amend All Petitions Condition 4 to read as follows:

- 4. ~~The overall site plan for the Ferrari/Maserati MUPD shall be revised at the time of Final DRO to incorporate the proposed changes and~~ The site plan shall be revised to meet the minimum Technical Requirements. (DRO: DRO-DRO)

Amend Engineering Condition 10 to read as follows:

- 10. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after ~~January 29, 2007~~ March 24, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition E.14 of Resolution R-2004-149, Control No.1983-161).

25. Pages 463-499 **ZV2007-1786 – SUNOCO LAKE WORTH AND KIRK**

Delete All Petitions Condition 1.

AMENDMENTS TO THE AGENDA

6. Page 6 **PDD2006-1682 – 112TH NORTHLAKE OFFICE**

Amend motion to read as follows:

MOTION: To postpone sixty (60) days to Thursday, May 1, 2008.

8. Page 8 **ZV2007-16172008-089** Title: Resolution approving a Type II Zoning Variance application of Westgate One, LLC, by ~~Land Design South, Inc.~~ Urban Design Studio, Agent. Request: To allow a reduction in the required number of parking spaces and to allow the building to exceed the number of stories. General Location: South side of Westgate Avenue and west of Quail Road. **(WESTGATE STATION ONE)** (Control 2007-343)

To correct application number and agent.

10. Pages 10-24 **CB2006-947 – LEE ROAD PROPERTY**

Amend motion to read as follows:

MOTION: Motion to withdraw without prejudice by staff. (Item on the Agenda since Feb. 2007)

11. Pages 25-50 **PDD2007-848 – MERCHANTS WALK**

Amend All Petitions Condition1 to read as follows:

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary sSite pPlan is dated ~~December~~ December 14, 2007 ~~plan~~. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

Delete Architectural Review Condition 3.

Delete Dumpster Condition 1.

Delete Landscaping Condition 4 and replace with the following:

1. The Landscape focal point with special planting treatment shall be provided at the main entrance to Building B and on the east side of Building C. The planting shall consist of the following:
 - a. a minimum of three (3) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or other specimen palm that is acceptable to the Landscape Section for each focal point; and,
 - b. a bench and trash receptacle. (BLDG PERMIT: LANDSCAPE - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the plan shall be revised to show:

- a. a minimum of one (1) trellis/shaded structure over the divider median central to the site in front of Building B.
- b. Special paver treatment for the main entryway extending from Lantana Road to Building B.
- c. the design and location of these improvements shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)

Delete Landscaping Interior Condition 6.

Add new Landscaping Along The North and East Property Lines (Frontage of Lantana Road and 86th Drive South) Condition 6 to read as follows:

- 6. In addition to the code requirements, landscaping along the north and east property lines shall be upgraded to include:
 - a. a minimum two (2) to three (3) foot high continuous undulating berm with an average height of two and half (2.5) feet. Berm shall be required for the Lantana Road frontage only; and,
 - b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

Delete Landscaping Along The South Buffer (Abutting Residential) Condition 7 and replace with the following:

Landscaping Along the South ~~Buffer~~ Property Line (Abutting Residential)

- 7. In addition to the code requirements along the south property line, landscaping shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) continuous row of Areca palm shall be planted along the south property line. The Areca palms may substitute for the ULDC required large shrubs. Areca palm shall be a minimum of six (6) feet at installation and shall be maintained at a minimum of six (6) feet at maturity. (BLDG PERMIT/ONGOING: LANDSCAPE - Zoning)

Delete Landscaping Along the North Right of Way Buffer Abutting Lantana Road Condition 8 and replace with the following:

- 8. Landscaping for the main (western) ATM divider median in the drive-thru lane of the Financial Institution shall be upgraded as follows:
 - a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the north and south boundaries of the overhead canopy;
 - b. the north and south extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,

- c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface. (BLDG PERMIT: LANDSCAPE - Zoning)

Add new Landscaping Condition 9 to read as follows:

9. Prior to final approval by the Development Review Officer (DRO), the property owner shall provide a focal point at the southeastern corner of Building C. Design details for this focal point(s) shall be in the form of a plaza, fountain, arcade, or any other site element or similar pedestrian oriented public area that is acceptable to the Zoning Division. The design and location of this element(s) shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)

14. Pages 103-144 **ZV/DOA2007-1417 (JOG COMMERCE PARK)**

To amend the Type II Zoning Variance motion to read as follows:

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow reduction of required parking and reduction of buffer width for a Type III Incompatibility Buffer and removal of loading screen wall.

Delete Sign Condition 2 and Use Limitation Condition 1.

15. Pages 145-175 **DOA2007-1800 (EVERGLADES FARM EQUIPMENT)**

Amend motion to read as follows:

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

22. Pages 317-343 **Z/CB2007-846 (NORTHLAKE VALUE PLACE HOTEL)**

To amend motion to read as follows:

MOTION: To recommend approval of an Official Zoning Map Amendment from the Multi-family Residential Zoning District to the General Commercial Zoning District with a Conditional Overlay Zone.

EXHIBIT C - CONDITIONS OF APPROVALS (Rezoning COZ)

Add new Planning Condition 1 to read as follows:

1. The subject site, in accordance with Condition #1 of SCA-2007-041, shall be limited to a maximum of 62,500 square feet. (ONGOING:PLANNING-Planning)

Add new Zoning – Landscaping Condition 6 to read as follows:

6. A 2-foot to 3-foot undulating berm shall be provided in a continuance manner along the entire eastern ROW buffer to screen the proposed hotel from the adjacent residences. (BLDG PERMIT: LANDSCAPE - Zoning)

**EXHIBIT C1 - CONDITIONS OF APPROVALS
(Variance) (Class B Conditional Use)**

Delete Planning Condition 1.

Add new Use Limitation Condition 1 to read as follows:

1. Development of the site for the hotel shall be subject to the conditions of approval for the Type II Variance (Application Number ZV2007-1411) (ONGOING:ZONING-Zoning)

Delete Zoning – Landscaping Condition 1.

Add new Compliance Conditions 1 and 2 to read as follows:

1. In granting this approval, the Zoning Commission relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment,

Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the 15th Judicial Circuit. (ONGOING: MONITORING - Zoning)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

23. Pages 344-431

ZV/PDD/DOA/W2007-884 – LYONS WEST AGR-PUD

Add All Petitions Condition 3 to read as follows:

3. Based on Article 2.E. of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING-Zoning)

Amend Building and Site Design Condition 4 to read as follows:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) for the entrance roads, a minimum of 12,000 square feet ~~600 feet~~ from Lyons Road to the west, and a minimum of 12,000 square feet ~~600 feet~~ from SR7/US441 to the east. (DRO: ZONING - Zoning)

Amend Engineering Condition 1 to read as follows:

- ~~1. Engineering Condition E1 of Zoning Resolution 2005-1791, Control No. 2005-003) which currently states:~~

1. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for no more than 184 Single Family Dwelling Units shall be issued until the construction commences on Lyons Rd from Lantana Road to Hypoluxo Road as a 4-lane divided section. (BLDG PERMIT: MONITORING-Eng)
- b. No Building Permits for the site may be issued after January 1, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng (Previous Engineering Condition No. 1 of Resolution 2005-1791, Control No. 2005-003).

~~Is hereby amended to read:~~

~~In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:~~

- a. ~~Building Permits for no more than 85 Single Family Dwelling Units (the equivalent of 93 PM peak hour trips) shall be issued until the construction commences on Lyons Rd from Boynton Beach Blvd to Atlantic Ave as a 2-lane section. (BLDG PERMIT: MONITORING-Eng)~~
- b. ~~Building Permits for no more than 843 Single Family Dwelling Units (the equivalent of 730 PM peak hour trips) shall be issued until construction commences on an additional northbound and southbound through lane at the intersection of Boynton Beach Blvd and Hagen Ranch Rd. BLDG PERMIT: MONITORING-Eng)~~
- c. ~~Building Permits for no more than 866 Single Family Dwelling Units (the equivalent of 616 AM peak hour trips) shall be issued until construction commences on an exclusive north approach right turn lane and an additional west approach through lane at the intersection of Boynton Beach Blvd and Lyons Rd. BLDG PERMIT: MONITORING-Eng)~~
- d. ~~No building permits for the site shall be issued after December 31, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)~~

Delete Engineering Condition 10 and replace with the following:

- 10. Prior to Final Master Plan approval by the Development Review Officer, the property owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community as approved by the County Attorney and County Engineer. (DRO: ENG- Eng)

Delete Palm Tran Conditions 1 and 2 and replace with the following:

- 1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
- 2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG-PalmTran)

Amend Planning Condition 2 to read as follows:

Prior to recordation of a plat for the development parcel, the property owner shall prepare boundary plats for all the preserve parcels. As an

alternative to satisfy the platting requirements pursuant to the ULDC, and a conservation easement is recorded, the property owner may request the following:

- a. ULDC text amendment to waive platting requirements for all the preserve parcels; or a variance from platting requirements subject to the approval of the Zoning Commissioners;

The title insurance requirement for the conservation easement may as an alternative be a title opinion issued by a member of the Florida Bar.

Provided the Board of the County Commissioners adopts an ordinance amendment to the ULDC, whereby these preserve parcels do not require platting or a variance is granted, then any such platting requirement for these preservation parcels set forth herein shall not apply to the preservation parcel. (PLAT: PLANNING/ENG-PLANNING).

Amend Planning Condition 8 to read as follows:

Prior to plat recordation for the Lyons West Development area, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall contain:

- a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:

- 1) Flowering trees;
- 2) Undulating berms, no taller than five feet and landscaped with native vegetation; and,
- 3) Benches/pedestrian gathering areas with a water fountain. At least two (2) pedestrian gathering areas shall be provided within the 100- foot wide Lyons Road Rural Parkway along this project frontage.

- b. The Rural Parkway easement shall not include:

- 1) Walls;
- 2) structures with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.

- c. The Rural Parkway easement may include:

- 1) A bus easement,
- 2) Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and
- 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.

- d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.
- e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division.
- f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to April 1st, 2011, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT/DATE: PLANNING/MONITORING - Planning)

Delete School Board Condition 1. Reason: No longer applicable.

Delete School Board Condition 2. Reason: No longer applicable and amend to read as follows:

- 1. Prior to Final Site Plan approval, the applicant shall provide a "Declaration and Restrictive Covenant" which prohibits children less than nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: SCHOOL BOARD-Co Att.)

Delete Utilities Condition 2. Reason: Duplicate.

26. Pages 500-523

ZV2008-090 – CANYON TOWN CENTER TMD

Delete Zoning Condition 1 and replace with the following:

- 1. The development order for this variance shall lapse on one year from the approval date, March 6, 2009. This condition shall not apply if ownership is conveyed to a unit of government per Article 2.E.1.B.2.a. (DATE: MONITORING-Zoning)

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**ORDER OF BUSINESS
ZONING COMMISSION
PALM BEACH COUNTY, FLORIDA**

THURSDAY MARCH 6, 2008

**THURSDAY
9:00 AM**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Opening Prayer and Pledge of Allegiance
 - C. Remarks of the Chair
 - D. Proof of Publication
 - E. Swearing In
 - F. Disclosures
- 2. POSTPONEMENTS/WITHDRAWALS (Pages 2-5)**
- 3. CONSENT AGENDA (Pages 6-8)**
- 4. REGULAR AGENDA (Pages 9-14)**
- 5. COMMISSIONER COMMENTS (Page 14)**
- 6. DIRECTOR COMMENTS (Page 14)**
- 7. ADJOURNMENT (Page 14)**

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

AGENDA
PALM BEACH COUNTY ZONING COMMISSION

MARCH 6, 2008

1. CALL TO ORDER

- A. Roll Call – 9:00 A.M.
- B. Opening Prayer, Pledge of Allegiance and Quasi-Judicial Notice
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Jane M. Thompson Memorial Chambers, 6th Floor, 301 N. Olive Avenue, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on **Monday**, March 24, 2008 to take final action on the applications listed below.

NOTICE

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group.

Public comment continues to be encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication – Motion to receive and file.
- E. Swearing In – County Attorney.
- F. Disclosures

2. POSTPONEMENTS/WITHDRAWALS

A. POSTPONEMENTS

1. **CA2007-205** Title: Resolution approving a Class A Conditional Use application of Florida Rock Industries, Inc., U S Sugar Corp., by Casey, Ciklin, Lubitz, Agent. Request: To allow a Type IIIB Excavation. General Location: Approximately 4 miles south of Lake Okeechobee and 3 miles west of US Highway 27. **(LAKE HARBOR QUARRY)** (Control 2007-054)

N/A

Project Manager- Douglas Robinson

Size: 7351.24 acres ±
Affected area 640.0 acres ±

BCC District: 6

MOTION: None required. Postponed to April 24, 2008.

2. **Z/DOA/CA2007-1185** Title: Resolution approving 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: Resolution approving a Development Order Amendment application of Winners Church International, by Land Research Management, Inc., Agent. Request: To reconfigure site plan, add land area and add building square footage. Title: Resolution approving a Class A Conditional Use application 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 1985-072)

N/A

Project Manager- Ora Owensby

Size: 16.04 acres ±

BCC District: 6

MOTION: None required. Postponed to April 24, 2008.

3. **DOA2007-1590** Title: Resolution approving a Development Order Amendment application of Square Lake North Dev Company, Inc., by Gentile, Holloway, O'Mahoney & Assoc, Agent. Request: To modify a condition of approval (use limitation). General Location: Northeast corner of Square Lake and Military Trail. **(SQUARE LAKE NORTH)** (Control 2001-043)

N/A

Project Manager- Autumn Sorrow

Size: 2.92 acres ±

BCC District: 1

MOTION: None required. Postponed to April 24, 2008.

4. **ZV2007-2016** Title: Resolution approving a Type II Zoning Variance application of Marquez Jones Joint Venture, LLC, by Land Design South, Inc., Agent. Request: To eliminate the location criteria of arterial/collector road and to eliminate the frontage requirement on a arterial/collector road. General Location: Approximately 600 feet west of Hypoluxo Farms Road and Haverhill Road. **(MARQUEZ-JONES PUD)** (Control 2005-414)

Page 4

Project Manager- Sandra Gonzalez

Size: 20.48 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to Thursday, April 3, 2008.

5. **ZV/PDD/R2007-1592** Title: Resolution approving a Type II Zoning Variance application of Paul Thomas, by Kilday & Associates, Inc., Agent. Request: To allow a reduction in the required rear setback. Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District (PDD) application of Paul Thomas, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to Recreational Vehicle Planned Development (RVPD) District. Title: Resolution approving a Requested Use application of Paul Thomas, by Kilday & Associates, Inc., Agent. Request: To allow a Water/Waste Water Treatment plant. General Location: Approximately one mile west of Jupiter Farms Road on the North side of Indiantown Road. **(JUPITER RV RESORT RVPD)** (Control 2006-185)

Page 5

Project Manager- Ora Owensby

Size: 17.91 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to Thursday, April 3, 2008.

6. **PDD2006-1682** Title: Resolution approving Official Zoning Map Amendment to a Planned Development District application of W & W IX LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Southeast corner of 112th Terrace and Northlake Boulevard. **(112TH/NORTHLAKE OFFICE)** (Control 2006-529)

Page 6

Project Manager-Joyce Lawrence

Size: 10.80 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday, April 3, 2008.

7. **CA2007-1199** Title: Resolution approving a Class A Conditional Use application of Bergeron Sand, Rock & Aggregates, Inc., by Jon E Schmidt & Associates, Agent. Request: To allow a TYPE IIIB excavation. General Location: Approximately 6.56 miles south of CR-827 on the west side of US Highway 27. **(BERGERON SAND ROCK ANDAGGREGATE EXPANSION)** (Control 1978-099)

Page 7

Project Manager- Douglas Robinson

Size: 552.97 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday, April 3, 2008.

8. **ZV2007-1617** Title: Resolution approving a Type II Zoning Variance application of Westgate One, LLC, by Land Design South, Inc., Agent. Request: To allow a reduction in the required number of parking spaces and to allow the building to exceed the number of stories. General Location: South side of Westgate Avenue and west of Quail Road. **(WESTGATE STATION ONE)** (Control 2007-343)

Page 8

Project Manager- David G McGuire

Size: 0.99 acres ±

BCC District: 2

MOTION: No motion required.

9. **ZV2007-1798** Title: Resolution approving a Type II Zoning Variance application of Achva Vahava, LLC, by Siegel, Lipman, Dunay, Shepard, & Miskel, LLP, Agent. Request: To allow for a reduction in the required right-of-way landscape buffer width; and for a reduction in pervious surface area. General Location: Southwest corner of Powerline Road and Sunstream Boulevard. **(BOCA GROVE CENTER POBP)** (Control 1981-170)

Page 9

Project Manager- William Cross

Size: 3.46 acres ±

BCC District: 5

MOTION: No motion required.

2. **WITHDRAWALS**

10. **CB2006-947** Title: Resolution approving a Class B Conditional Use application of Boynton Beach Associates, XXIII, LLLP, by Urban Design Studio, Agent. Request: To allow Agricultural, Sales and Service. General Location: Northwest corner of Lee Road and State Road 7/US 441. **(LEE ROAD PROPERTY)** (Control 2006-361)

Pages 10-24

Project Manager-Carrie Rechenmacher

Size: 5.0 acres ±

BCC District: 5

MOTION: No motion required.

END OF POSTPONEMENTS/ WITHDRAWALS

3. CONSENT AGENDA

A. ZONING APPLICATIONS

- 11. **PDD2007-848** Title: Resolution approving An Official Zoning Map Amendment to a Planned Development District application of W & W XXIV, LLC, by Cotleur & Hearing, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Approximately 1,400 feet east of Lyons Road on the south side of Lantana Road. **(MERCHANTS WALK)** (Control 2004-354)

Pages 25-50
 Conditions of Approval (25) Pages 42-46
 Project Manager- Joyce Lawrence

Size: 4.82 acres ± BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential and the General Commercial Zoning Districts to the Multiple Use Planned Development Zoning District.

- 12. **ABN/PDD/R2007-878** Title: Resolution approving A Development Order Abandonment application of Sojo, LLC, by Jon E Schmidt & Associates, Agent. Request: To abandon the Class A Conditional Use granted under R-2003-0117. Title: Resolution approving An Official Zoning Map amendment to a Planned Development District application of Sojo, LLC, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: Resolution approving a Requested Use application of Sojo, LLC, by Jon E Schmidt & Associates, Agent. Request: To allow a Convenience Store with Gas Sales and to allow a Type I Restaurant; and to amend a Condition of Approval (Building & Site Design). General Location: Northeast corner of Jog Road and Southern Boulevard. **(HOLLOWAY PROPERTIES MUPD)** (Control 2002-032)

Pages 51-79
 Conditions of Approval (32) Pages 67-73
 Project Manager- Joyce Lawrence

Size: 5.50 acres ± BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment from the General Commercial Zoning District to the Multiple Use Planned Development Zoning District.

MOTION: To recommend approval of a Requested Use to allow a Convenience Store with Gas Sales and to allow a Type I Restaurant; and to amend a Condition of Approval (Building & Site Design).

13. **PDD2007-890** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of East Group Properties, LP, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the Industrial Light (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Central Industrial Drive, approximately 0.6 miles north of Blue Heron Boulevard. **(EAST GROUP INDUSTRIAL)** (Control 2007-277)

Pages 80-102

Conditions of Approval (12) Pages 97-98

Project Manager- Carol Glasser

Size: 7.86 acres ±

BCC District: 1

MOTION: To recommend approval of an Official Zoning Map Amendment from the Industrial Light Zoning District to the Multiple Use Planned Development Zoning District

14. **ZV/DOA2007-1417** Title: Resolution approving a Type II Zoning Variance application of Realty Duke, by Miller Land Planning, Agent. Request: To allow reduction of required parking reduction of buffer width for a Type III Incompatibility Buffer and removal of loading screen wall. Title: Resolution approving Development Order Amendment application of Realty Duke, by Miller Land Planning, Agent. Request: To reduce square footage, modify/delete conditions of approval, reconfigure site plan, and change uses. General Location: Approximately 1 mile south of Okeechobee Boulevard 800 feet west of Jog Road. **(JOG COMMERCE PARK)** (Control 2005-460)

Pages 103-144

Conditions of Approval (35) Pages 122-129

Project Manager- Carrie Rechenmacher

Size: 12.02 acres ±

BCC District: 2

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow reduction of required parking reduction of buffer width for a Type III Incompatibility Buffer and removal of loading screen wall.

MOTION: To recommend approval of a Development Order Amendment to reduce square footage, modify/delete conditions of approval, reconfigure site plan, and change uses.

15. **DOA2007-1800** Title: Resolution approving a Development Order Amendment application of Everglades Farm Equipment by Perry & Taylor, P.A., Agent. Request: To delete land area, add square footage, reconfigure the site plan, and modify conditions of approval. General Location: North Side of Southern Boulevard approximately 800 feet east of F Road. **(EVERGLADES FARM EQUIPMENT)** (Control 1999-11)

Page 145-175

Conditions of Approval (n/a) Pages 160-171

Project Manager- Carol Glasser

Size: 21.86 acres ±

BCC District: 6

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MOTION: To recommend approval of a Development Order Amendment to delete land area.

– END OF CONSENT AGENDA –

- START OF REGULAR AGENDA -

4. REGULAR AGENDA

A. PREVIOUSLY POSTPONED ITEMS

16. **ZV2007-1177** Title: Resolution approving a Type II Zoning Variance application of James Fitzgerald, by Gentile Holloway O'Mahoney, Inc, Agent. Request: To allow for the reduction in the minimum lot frontage and lot width for 2 proposed lots in the proposed Residential Transitional (RT) Zoning District. General Location: West on Riverside Drive between Tequesta Drive and County Line Road. **(FITZGERALD)** (Control 2007-284)

Pages 176-195

Conditions of Approval (8) Pages 190-191

Project Manager-Sandra Gonzalez

Size: 1.59 acres ±

BCC District: 1

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow for the reduction in the minimum lot frontage and lot width for 2 proposed lots in the proposed Residential Transitional Zoning District.

17. **PDD/TDR/R2007-1407** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of SRR Holdings, LLC, by Miller Land Planning, Agent. Request: Rezoning from the Residential Transitional (RT) and the Community Commercial (CC) Zoning Districts to the Multiple Use Planned Development (MUPD) District. Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of SRR Holdings, LLC, by Miller Land Planning, Agent. Request: To allow the Transfer of Development Rights for 18 units and designate this site as the receiving area. Title: Resolution approving a Requested Use application of SRR Holdings, LLC, by Miller Land Planning, Agent. Request: To allow a Type III Congregate Living Facility. General Location: The west side of SR7/US441 approximately 1/4 mile north of Lantana Road. **(CARLYLE CLF)** (Control 2005-454)

Pages 196-216

Conditions of Approval (26) Pages 209-212

Project Manager- Ron Sullivan

Size: 10.22 acres ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment from the Residential Transitional and the Community Commercial Zoning Districts to the Multiple Use Planned Development District.

MOTION: To recommend approval to allow the Transfer of Development Rights for 18 units and designate this site as the receiving area.

MOTION: To recommend approval of a Requested Use to allow a Type III Congregate Living Facility.

B. REGULAR AGENDA

18. **Z/CA2006-1912** Title: Resolution approving an Official Zoning Map Amendment application of No Big Deal, LLC, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the Residential Estate (RE) Zoning District to the Agricultural Residential (AR) Zoning District. Title: Resolution approving a Class A Conditional Use application of No Big Deal, LLC, by Jon E Schmidt & Associates, Agent. Request: To allow a daycare, general. General Location: Southwest corner of Indiantown Road and 130th Avenue North. **(PLANET KIDS XVI)** (Control 1979-256)

Pages 217-253

Conditions of Approval (32) Pages 236-241

Project Manager- Anthony Wint

Size: 9.18 acres ±

BCC District: 1

MOTION: To recommend approval of an Official Zoning Map Amendment from the Residential Estate Zoning District to the Agricultural Residential Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow a daycare, general.

19. **ZV2007-2015** Title: Resolution approving a Type II Zoning Variance application of Vista Business Park, Inc., by McCraney Property Co., Agent. Request: To allow reduction in the pervious area. General Location: Northeast corner of Jog Road and Okeechobee Boulevard. **(VISTA CENTER LOT 19)** (Control 1984-130)

Pages 254-267

Conditions of Approval (n/a) Page n/a

Project Manager- Joyce Lawrence

Size: 7.19 acres ±

BCC District: 2

MOTION: To deny a request for a Type II Zoning Variance to allow reduction in the pervious area.

20. **ZV/DOA2007-845** Title: Resolution approving a Type II Zoning Variance application of Covenant Centre, Inc., by Land Design South, Inc., Agent. Request: To allow less than the required 30% pervious area. Title: Resolution approving a Development Order Amendment application of Covenant Centre, Inc., by Land Design South, Inc., Agent. Request: To delete land area. General Location: Northwest corner of Roan Lane and Northlake Boulevard. **(PALM BEACH CATHEDRAL)** (Control 1974-083)

Pages 268-293

Conditions of Approval (17) Pages 282-286

Project Manager- Douglas Robinson

Size: 3.48 acres ±

BCC District: 1

MOTION: To deny a request for a Type II Zoning Variance to allow less than the required 30% pervious area.

MOTION: To recommend denial of a Development Order Amendment to delete land area.

21. **ZV2007-1411** Title: Resolution approving a Type II Variance application of Value Place Hotels, by Land Design South, Inc., Agent. Request: To allow deviation in hours of operation for a commercial use adjacent to a residential district. General Location: Approximately 250 feet North of the Northwest corner of Roan Lane and Northlake Boulevard. **(NORTHLAKE VALUE PLACE HOTEL)** (Control 2007-259)

Pages 294-316

Project Manager-Sandra Gonzalez

Size: 3.06 acres ±

BCC District: 1

MOTION: To deny a request for a deviation in hours of operation for a commercial use adjacent to a residential district.

22. **Z/CB2007-846** Title: Resolution approving An Official Zoning Map Amendment. application of Value Place Hotels - Butch Nuss, by Land Design South, Inc., Agent. Request: Rezoning from the Multi-family Residential (RM) Zoning District to the General Commercial (CG) Zoning District. Title: Resolution approving a Class B Conditional Use application of Value Place Hotels - Butch Nuss, by Land Design South, Inc., Agent. Request: To allow a hotel. General Location: Approximately 200 feet north of the northwest corner of Northlake Boulevard and Roan Lane. **(NORTHLAKE VALUE PLACE HOTEL)** (Control 2007-259)

Pages 317-343

Conditions of Approval (9) Pages 332-333

Project Manager- Sandra Gonzalez

Size: 3.06 acres ±

BCC District: 1

MOTION: To recommend approval of an Official Zoning Map Amendment from the Multi-family Residential Zoning District to the General Commercial Zoning District.

MOTION: To recommend denial of a Class B Conditional Use to allow a hotel.

23. **ZV/PDD/DOA/W2007-884** Title: Resolution approving a Type II Zoning Variance application of Boynton Beach Associates, XIX, LLLP, by Kilday & Associates, Inc., Agent. Request: To allow replacement of the required six-foot high wall with a six-foot high hedge and berm combination and to reduce the width of the east buffer. Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District (PDD) application of Boynton Beach Associates, XIX, LLLP, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Residential Planned Unit Development (AGR-PUD) Zoning District. Title: Resolution approving a Development Order Amendment application of Boynton Beach Associates, XIX, LLLP, by Kilday & Associates, Inc., Agent. Request: To add land area, reconfigure the master plan, restart the development clock, add units, and to allow a model row. Title: Resolution approving a Waiver application of Boynton Beach Associates, XIX, LLLP, by Kilday & Associates, Inc., Agent. Request: To allow more than 40% of the local streets to terminate in dead-ends or cul-de-sacs. General Location: Development Area - Southwest corner of Boynton Beach Boulevard and Lyons Road. **(LYONS WEST AGR-PUD)** (Control 2005-003)

Pages 344-431

Conditions of Approval (58) Pages 376-396

Project Manager- Ora Owensby

Size: 1080.49 acres ±

BCC District: 3 & 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow replacement of the required six-foot high wall with a six-foot high hedge and berm combination and to reduce the width of the east buffer.

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Residential Planned Unit Development Zoning District.

MOTION: To recommend approval of a Development Order Amendment to add land area, reconfigure the master plan, restart the development clock, add units, and to allow a model row.

MOTION: To deny a request for a Waiver to allow more than 40% of the local streets to terminate in dead-ends or cul-de-sacs.

24. **DOA/R2007-1774** Title: Resolution approving a Development Order Amendment application of New Country, by Gary M. Brandenburg and Associates, Agent. Request: To add square footage (2,500 sf) and reconfigure site plan. Title: Resolution approving a Requested Use application of New Country, by Gary M. Brandenburg and Associates, Agent. Request: To allow Vehicle Sales/Rental. General Location: Southside of Okeechobee Blvd near the intersection with Palm Beach Lakes Blvd. **(SMART CAR DEALERSHIP)** (Control 1983-161)

Pages 432-462

Conditions of Approval (74) Pages 445-458

Project Manager- Douglas Robinson

Size: 11.99 acres \pm

BCC District: 2

MOTION: To recommend approval of a Development Order Amendment to add square footage (2,500 sf) and reconfigure site plan.

MOTION: To recommend approval of a Requested Use to allow Vehicle Sales/Rental.

25. **ZV2007-1786** Title: Resolution approving a Type II Variance application of S & S Enterprises, Inc., by Jon E Schmidt & Associates, Agent. Request: To allow reduction in buffer width, 100% buffer encroachment, elimination of queing spaces, reduction of parking spaces and terminal islands, reduction of the pervious area, and reduction of the front setbacks. General Location: Northeast corner of Lake Worth Road and Kirk Road. **(SUNOCO LAKE WORTH AND KIRK)** (Control 1975-104)

Pages 463-499

Conditions of Approval (5) Pages 484-485

Project Manager- Sandra Gonzalez

Size: 0.97 acres \pm

BCC District: 3

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow reduction in buffer width, 100% buffer encroachment, elimination of queing spaces, reduction of parking spaces and terminal islands, reduction of the pervious area, and reduction of the front setbacks.

- 26. **ZV2008-090** Title: Resolution approving a Type II Zoning Variance application of Barbara Logan, William Mazzone, by Kilday & Associates, Inc., Agent. Request: To waive the four (4) foot high visual screen in a Right of Way (ROW) buffer; and to waive the planting requirements for trees, shrubs and hedges for perimeter buffers. General Location: Southeast corner of Lyons Road and Boynton Beach Boulevard. **(CANYON TOWN CENTER TMD)** (Control 2004-471)

Pages 500-523
Conditions of Approval (4) Pages 510
Project Manager- Sandra Gonzalez

Size: 333.08 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to waive the four (4) foot high visual screen in a Right of Way buffer; and to waive the planting requirements for trees, shrubs and hedges for perimeter buffers.

- 5. **COMMISSIONER COMMENTS**
- 6. **DIRECTOR COMMENTS**
- 27. **ANNUAL ZONING COMMISSION REPORT**
- 7. **ADJOURNMENT**