



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

**AGENDA**

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

**AMENDMENTS TO THE CONSENT**

9.    Pgs77-104    **DOA2008-1196 (Okeelanta Co-Generation Plant) (Control 1992-014)**

Modify HEALTH Condition 2 to read as follows:

Previous HEALTH Condition 2 of Resolution R-2007-1440, Control 1992-014 which currently states:

2.    Continuous Emission Monitors shall be operated in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. (ONGOING: HEALTH-Health)

Is hereby amended to read:

Continuous Emission Monitors shall be operated in accordance with Air Permit No. PSD-FL-196 issued by FDEP. (ONGOING: HEALTH-Health)

Modify HEALTH Condition 3 to read as follows:

Previous HEALTH Condition 3 of Resolution R-2007-1440, Control 1992-014 which currently states:

3.    Stack tests shall be conducted in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. (ONGOING: HEALTH-Health)

Is hereby amended to read:

Stack tests shall be conducted in accordance with Air Permit No. PSD-FL-196 issued by FDEP. (ONGOING: HEALTH-Health)

Modify HEALTH Condition 13 to read as follows:

Previous HEALTH Condition 13 of Resolution R-2007-1440, Control 1992-014 which currently states:

13.    Onsite storage shall be contained within the area designated on Exhibit 48 and shall be processed and stored in a manner which controls fugitive and dust particulate emissions. (ONGOING:CODE ENF-Health)

Is hereby amended to read:

Onsite storage for the ash monofil shall be contained within the area designated on Exhibit 48 and shall be processed and stored in a manner which controls fugitive and dust particulate emissions. (ONGOING:CODE ENF-Health)

Modify HEALTH Condition 18 to read as follows:

Previous HEALTH Condition 18 of Resolution R-2007-1440, Control 1992-014 which currently states:

18. Within six (6) months of final approval by Development Review Officer, the property owner shall provide the Palm Beach County Health Department's Air Pollution Section with a signed "FDEP consent order" addressing all previous compliance violations associated with the three existing boilers. (DATE: HEALTH-Health)

Is hereby amended to read:

Within six (6) months of final approval by Development Review Officer for the addition of the fourth boiler, the property owner shall provide the Palm Beach County Health Department's Air Pollution Section with a signed "FDEP consent order" addressing all previous compliance violations associated with the three existing boilers. (DATE: HEALTH-Health)

10. Pgs 105-127 **ZV2008-1184 (Canyon Town Center TMD) (2004-00471)**

Modify Variance Condition 1 to read as follows:

1. The Development Order for this non-concurrent variance shall be ~~valid until November 6, 2009, a period of one year from the date of the Zoning Hearing. The property owner must secure a building permit or commence development to vest the variance pursuant to ULDC Table 2.E.3-B-1. ongoing and tied to the Time Limitations of the Development Order.~~ (ONGOING: BUILDING PERMIT-Bldg)

Modify Variance Condition 2 to read as follows:

2. The extended hour's variance, from 11:00 p.m. to 1:00 a.m., on Friday and Saturday only, not including deliveries and stocking, will be restricted to the Type II restaurants within Pod A, Buildings A-1, A-2, B-1 and B-2 as shown on the variance site plan exhibit within the staff report dated November 6, 2008. Deliveries and stocking are restricted to the hours of operation as listed in the ULDC (6:00 a.m.-11:00 p.m.). No other tenants/uses within the Canyons Town Center TMD may ~~can~~ utilize the extended hours of operation variance and shall comply with the restrictions as stated for hours of operation and are restricted to the ~~hours of operation as listed in the ULDC.~~ (ONGOING: ZONING-Code Enf)

**MOVE TO CONSENT AND AMEND**

13. Pgs 128-154 **ZV/Z/DOA-2008-1192 (Royal Palm Presbyterian Church) (1994-0080)**

Modify Landscape Condition 8 to read as follows:

**LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING HYPOLUXO ROAD)**

8. Previous Landscape Condition F.3 of Resolution R-2001-1860, Control No. 94-080 which currently states:

Landscaping along the north property line shall be upgraded to include:

- a. A minimum twenty (20) foot right-of-way buffer. No buffer reduction or easement encroachment shall be permitted;
- b. A continuous two and one-half (2.5) foot high berm (measured from top of curb);

- c. One (1) native canopy tree for each thirty (30) linear feet of frontage;
- d. One (1) palm or pine for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet;
- e. One eighteen (18) inch high shrub for each two (2) linear feet of frontage, to be maintained at a minimum height of twenty-four (24) inches; and
- f. One twenty-four (24) inch shrub for each four (4) linear feet of frontage, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

8. In addition to code requirements, landscaping along the north property line shall be upgraded to include:

- a. a continuous two and one-half (2.5) foot high berm (measured from top of curb);
- b. one (1) palm or pine for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet. (CO: LANDSCAPE-Zoning)

## AMENDMENTS TO THE REGULAR

12. Pgs182-219 **DOA/R/TDR-2008-00441 (Woodwind PUD)** (Control 2004-00524)

Modify Landscape Condition 1 to read as follows:

ZONING - LANDSCAPING-ZONING LANDSCAPING ALONG SOUTH PROPERTY LINE (FUTURE COUNTY PARK)

- 1. In addition to the proposed landscaping and buffering program and code requirements, landscaping and/or buffer width along the ~~north~~ south property line shall be upgraded to include:

Modify the Landscape Condition 4 read as follows:

ZONING - LANDSCAPING-STANDARD

Previous Landscape Condition 2, under Resolution R-2005-1785, Control 2004-524 which currently states:

- 4. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

Is hereby amended to read:

- 4. All palms required to be planted on the property by this approval, ~~except on individual residential lots~~, shall meet the following minimum standards at installation:

Modify the Landscape Condition 8 read as follows:

ZONING - LANDSCAPING-STANDARD

Previous Landscape Condition 6, under of Resolution R-2005-1785, Control 2004-524 which currently states:

- 8. Preservation of existing native trees areas may be incorporated into landscape buffer planting and berm requirements, subject to the following:
  - a. prior to final approval by the Development Review Officer (DRO), documentation that demonstrates native preserve area vegetation

will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section for review and approval; and,

- b. additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: ZONING-Landscape)

Is hereby amended to read:

8. Preservation of existing native trees areas may be incorporated into landscape buffer planting and berm requirements, subject to the following:
  - a. prior to final approval by the Development Review Officer (DRO), documentation that demonstrates native ~~preserve area vegetation~~ preserved vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section for review and approval; and,
  - b. additional native vegetation may be ~~added to preserve areas~~ relocated or added to buffer areas to meet the intent of this condition. (DRO: ZONING-Landscape)

Modify PARKS Condition 1 to read as follows:

1. The petitioner shall notify future ~~home buyers~~ tenants by providing that ~~all homeowners' documents, sales contracts, as well as all sales rental agreements~~ and brochures, ~~Master Plans and related Site Plans~~ contain a disclosure statement identifying that ~~dwelling units within the development are~~ is adjacent to a future district county park with active recreational amenities that ~~When complete the park will have active recreational amenities, and residents may be subject to noise and lights from the park~~ future recreational facilities including but not limited to ball fields, picnic facilities, lakes, etc. Also, the rental office shall make tenants aware that all or portion of Lantana "I" District Park will remain in an unimproved state with no regularly scheduled maintenance until such time as the park is developed and open to the public. (ONGOING-PARKS-Code Enf)

Modify PLANNING Condition 1 to read as follows:

Planning Condition 1 of Resolution R-2005-1785, Control 2004-525 which currently states:

1. Prior to final site plan approval by the Development Review Officer (DRO), the final site plan shall include all cross access points, consistent with the certified site plan dated May 12, 2005.

Is hereby amended to read:

1. Prior to final site plan approval by the Development Review Officer (DRO), the final site plan shall include all cross access points, consistent with the certified site plan dated July 9, 2008.

Delete PLANNED UNIT DEVELOPMENT Condition 1.

Delete PLANNED UNIT DEVELOPMENT Condition 3.

**Board of County Commissioners**

Karen T. Marcus  
Jeff Koon  
District 3  
Mary McCarty  
District 5  
Jess R. Santamaria  
District 7



**County Administrator**

Robert Weisman

**Department of Planning, Zoning & Building**  
2300 N. Jog Rd.  
West Palm Beach, FL 33411  
Phone: 561-233-5200  
Fax: 561-233-5165

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

**THURSDAY NOVEMBER 6, 2008**

**9:00AM**

**VISTA CENTER 1<sup>ST</sup> FLOOR HEARING ROOM, VC-1W-47  
2300 N. JOG ROAD, WEST PALM BEACH**

**CALL TO ORDER**

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Adoption of the Minutes
- F. Swearing In
- G. Disclosures

**POSTPONEMENTS/REMANDS WITHDRAWALS**

**CONSENT AGENDA**

**REGULAR AGENDA**

**COMMISSIONER COMMENTS**

**DIRECTOR COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

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

**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**NOVEMBER 6, 2008**

**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 Vista Center 1<sup>st</sup> Floor Hearing Room VC-1W-47, 2300 N. Jog Road, 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 Thursday, December 4, 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. [Adoption of the Minutes](#)
- F. Swearing In – County Attorney
- G. Disclosures

**POSTPONEMENTS/REMANDS/WITHDRAWALS**

**A. POSTPONEMENTS**

- 1. **CB-2008-01181** Title: a Class B Conditional Use application of Shark Enterprises LLC by Frogner Consulting Inc., Agent. Request: to allow Agriculture, Sales and Service.  
General Location: Approximately 0.5 miles south of Atlantic Avenue on the west side of SR7/US441. **(Shark Enterprises)** (Control 2007-00003)

Pages

Project Manager: Carol Glasser

Size: 3.62 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to Friday December 5, 2008.

- 2. **DOA-2008-00461** Title: a Development Order Amendment application of T Mobile by Glotel Inc / T Mobile, Agent. Request: to modify conditions of approval (Building & Site Design, Lighting, and Landscaping).  
General Location: Northeast corner of Orange Ave and 130th Ave North. **(T Mobile Horizon Baptist)** (Control 1998-00015)

Pages

Project Manager: Douglas Robinson

Size: 2.66 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days until Friday December 5, 2008

- 3. **Z/DOA/CA-2007-01185** Title: an Official Zoning Map Amendment application of Winners Church International by Land Research Management Inc., Agent. Request: rezoning from the Agricultural Residential (AR) Zoning District to the Residential Estate (RE) Zoning District.  
Title: a Development Order Amendment application of Winners Church International by Land Research Management Inc., Agent. Request: to reconfigure the site plan, add land area, and add building square footage.  
Title: a Class A Conditional Use 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 1985-00072)

Pages 6 - 6

Conditions of Approval Pages (6 - 6)

Project Manager: Ora Owensby

Size: 16.04 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Friday, December 5, 2008.

4. **ZV-2008-01356** Title: a Type II Zoning Variance application of Francisco Santos by Jon E Schmidt & Associates, Agent. Request: to allow the reduction of pervious area, lot size and depth, plaza width, dumpster dimensions and the balcony width and length.; the elimination of loading space, the right-of-way buffers and associated landscape materials, the compatibility buffer and associated plant materials, the foundation planting area and plant materials, the incompatibility buffer and associated plant materials, the terminal islands and trees. (23 Variances in total).  
General Location: Northeast corner of Westgate Avenue and Oselola Drive..  
**(Santos Building)** (Control 2008-00218)

Pages 7 - 7

Conditions of Approval Pages (7 - 7)

Project Manager: David McGuire

Size: 0.27 acres ±

BCC District: 2

MOTION: To postpone thirty (30) days to Friday, December 5, 2008.

5. **ZV/DOA/R-2007-02022** Title: a Type II Zoning Variance application of West Palm Hospitality LLC by David L. Carpenter & Assoc., Agent. Request: to allow 24-hour operation.  
Title: a Development Order Amendment application of West Palm Hospitality LLC by David L. Carpenter & Assoc., Agent. Request: to reconfigure the site plan, add square footage and restart the commencement clock..  
Title: a Requested Use application of West Palm Hospitality LLC by David L. Carpenter & Assoc., Agent. Request: to allow a second hotel.  
General Location: South side of Okeechobee Boulevard approximately 625 feet west of Drexel Road. **(Sykes Commercial)** (Control 1982-00129)

Pages

Project Manager: Ora Owensby

Size: 7.22 acres ±

BCC District: 2

MOTION: To postpone thirty (30) days to Friday, December 5, 2008.

- B. REMANDS**  
**C. WITHDRAWALS**



**CONSENT AGENDA**

**B. ZONING APPLICATIONS**

- 6. **DOA/R-2008-01018** Title: a Development Order Amendment application of 10101 a Florida LLC by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan, modify and delete conditions of approval (Engineering) and add square footage.  
Title: a Requested Use application of 10101 a Florida LLC by Jon E Schmidt & Associates, Agent. Request: to allow an auto paint or body shop.  
General Location: North of 60th Street on the west side of State Road 7/US 441. **(US 441 Land Trust)** (Control 2002-00027)

Pages 8 - 33

Conditions of Approval Pages (21 - 29)

Project Manager: Ronald Sullivan

Size: 3.56 acres ±

BCC District: 3

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, modify and delete conditions of approval and add square footage.

MOTION: To recommend approval of a Requested Use to allow auto paint or body shop.

- 7. **DOA-2008-00627** Title: a Development Order Amendment application of Faith United Methodist Church Of by Glotel Inc., Agent. Request: to modify a condition of approval (Lighting).  
General Location: Boynton Beach Blvd and El Clair Ranch Road. **(T-Mobile)** (Control 1991-00042)

Pages 34 - 57

Conditions of Approval Pages (45 - 49)

Project Manager: Anthony Wint

Size: 10.18 acres ±

BCC District: 5

MOTION: To recommend approval of a Development Order Amendment to modify a (Lighting) condition of approval.

- 8. **DOA-2008-01195** Title: a Development Order Amendment application of HRS Palm Beach LCC by Miller Land Planning, Agent. Request: to reconfigure the site plan.  
General Location: The subject property is located on the west side of SR 7 approximately 1/4 mile north of Lantana Road. **(Regions Bank at Carlyle)** (Control 2006-00368)

Pages 58 - 76

Conditions of Approval Pages (69 - 72)

Project Manager: Ronald Sullivan

Size: 1.22 acres ±

BCC District: 3

(affected area 1.05 acres ±)

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan.

9. **DOA-2008-01196** Title: a Development Order Amendment application of Okeelanta Corp by Kilday & Associates Inc., Agent. Request: to add land area, reconfigure the site plan and modify conditions of approval.  
General Location: Approximately two miles West of US 27, South of Bolles Canal. **(Okeelanta CO-Generation Plant)** (Control 1992-00014)

Pages 77 - 104

Conditions of Approval Pages (91 - 96)

Project Manager: Anthony Wint

Size: 378.71 acres ±

BCC District: 6

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

10. **ZV-2008-01184** Title: a Type II Zoning Variance application of Beach Boynton by Kilday & Associates Inc., Agent. Request: to extend hours of operation for commercial adjacent to residential (for Type II restaurants in buildings A-1, B-1, A-2, and B-2 from 11:00 PM to 1:00 AM, on Friday and Saturday only, not including deliveries and stocking.).  
General Location: Southeast corner of Lyons Road and Boynton Beach Blvd.. **(Canyon Town Center TMD)** (Control 2004-00471)

Pages 105 - 127

Conditions of Approval Pages (116 - 116)

Project Manager: Douglas Robinson

Size: 26.75 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to extend hours of operation for commercial adjacent to residential (for Type II restaurants in buildings A-1, B-1, A-2, and B-2 from 11:00 PM to 1:00 AM, on Friday and Saturday only, not including deliveries and stocking.)

REGULAR AGENDA

C. PREVIOUSLY POSTPONED ITEMS

- 11. **ZV-2008-01352** Title: a Type II Variance application of Southern Palms Associates Llc by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow signage on the eastern facade which does not face a street; to allow larger wall signage on the eastern facade for Building A, and to allow the entire building southern facade to be considered continuous regardless of the projection.. General Location: Northeast corner of Southern Boulevard and Sansbury's Way.. (**Southern/Sansbury's MUPD (Kohl's)**) (Control 2007-00018)

Pages 155 - 181

Conditions of Approval Pages (169 - 170)

Project Manager: Anthony Wint

Size: 24.35 acres ±

BCC District: 6

MOTION: To adopt a resolution denying the requests for Type II Variances for Building A to allow signage on the eastern facade which does not face a street; to allow larger wall signage on the eastern facade, and to allow the entire length of the south facade, which includes a projection of more than 10 feet, to be considered continuous for the purpose of calculating the square footage of wall signage allowed.

- 12. **DOA/R/TDR-2008-00441** Title: a Development Order Amendment. application of Woodwind 2007 LLC by Land Design South Inc., Agent. Request: to reconfigure the Master Plan, to increase the number of dwelling units, and to restart the commencement clock for development.. Title: a Requested Use. application of Woodwind 2007 LLC by Land Design South Inc., Agent. Request: to allow a Daycare, General.. Title: a Transfer of Development Rights. application of Woodwind 2007 LLC by Land Design South Inc., Agent. Request: to allow the Transfer of Development Rights for 109 units, to designate this site as the receiving area, and to allow the Transfer of Development Rights price reduced at \$1.00 per unit.. General Location: Northeast corner of Woodwind Lane and State Road 7/441.. (**Woodwind PUD**) (Control 2004-00524)

Pages 182 - 219

Conditions of Approval Pages (207 - 215)

Project Manager: Autumn Sorrow

Size: 36.38 acres ±  
(affected area 36.35 acres ±)

BCC District: 6

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, to increase the number of dwelling units, and to restart the commencement clock for development.

MOTION: To recommend approval of a Requested Use to allow for a Daycare, general.

MOTION: To recommend approval of the Transfer of Development Rights for 109 units, designate the subject property as the receiving area, and approve the reduced cost of \$1.00 per unit for the Transfer of Development Rights units.

D. ZONING APPLICATION

- 13. **ZV/Z/DOA-2008-01192** Title: an Official Zoning Map Amendment application of Royal Palm Presbyterian Church Inc by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.  
Title: a Development Order Amendment application of Royal Palm Presbyterian Church Inc by Miller Land Planning, Agent. Request: to modify the site plan, to add square footage, to modify conditions of approval (Engineering, Landscape, Signage, Lighting), and to add land area.  
General Location: Approximately 650 feet east of Jog Road on the south side of Hypoluxo Road.. **(Royal Palm Presbyterian Church)** (Control 1994-00080)

Pages 128 - 154

Conditions of Approval Pages (143 - 150)

Project Manager: Joyce Lawrence

Size: 5.60 acres ±

BCC District: 3

MOTION: To recommend approval for an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.

MOTION: To recommend approval of a Development Order Amendment to modify the site plan, to add square footage, to modify Conditions of Approval (Engineering, Landscape, Signage and Lighting), and to add land area.

**E. STATUS REPORTS**

**COMMISSIONER COMMENTS**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**ADJOURNMENT**