



PALM BEACH COUNTY ZONING COMMISSION
AMENDMENTS TO THE AGENDA
Thursday, October 2, 2008

AGENDA

ITEM #/PAGE # PETITION / CHANGE

MOVE TO CONSENT AND AMEND

8. Pgs 64-86 **DOA-2008-0791 (Toppel Center MUPD) (1989-044)**

Modify Sign Condition Q.2 of Resolution R-2003-1283, Petition 1989-044(B), which currently states:

2. Wall signs shall be limited to south and west facades of the retail building and the south facade of the bank building. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO:BLDG-Zoning)

Is hereby amended to read:

Prior to issuance of a building permit for the sign on the south facade of the retail /bank building, the wall signage located on the west facade of the retail/bank building shall be removed. ~~Signage shall not be permitted on this facade unless the floor plan for the retail portion of the building is revised to become multi-tenant.~~ (BUILDING PERMIT: BLDG-Zoning)

AMENDMENTS TO THE AGENDA

6. Pgs 20 **Z-2008-2014 (Marquez-Jones) (2005-414)**

Modify Engineering Condition 2 to read as follows:

2. The Property owner shall construct a left turn lane south approach on Hypoluxo Farms Road at Hypoluxo Road. 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, acquisition of any additional required right-of-way, drainage improvements for additional pavement, relocation of guardrails and required modifications to the culvert crossing at the L-18 canal.
 - a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Add Engineering Condition 3 to read as follows:

3. The Property owner shall construct a 5-foot wide concrete sidewalk along the west side of Hypoluxo Farms Road from Hypoluxo Road south to the southern property line of the property. 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, drainage relocations and acquisition.
- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Addie L. Greene, Chairperson
Jeff Koons, Vice Chair
Karen T. Marcus
Robert J. Kanjian
Mary McCarty
Burt Aaronson
Jess R. Santamaria



Robert Weisman

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

THURSDAY OCTOBER 2, 2008

9:00 AM

**301 NORTH OLIVE AVENUE, WEST PALM BEACH, 6TH FLOOR
JANE M. THOMPSON MEMORIAL CHAMBERS**

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

POSTPONEMENTS/REMANDS/WITHDRAWALS

CONSENT AGENDA

REGULAR AGENDA

COMMISSIONER COMMENTS

DIRECTOR COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

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

AGENDA
PALM BEACH COUNTY ZONING COMMISSION

OCTOBER 2, 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 AM. 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 Thursday, October 23, 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.

POSTPONEMENTS/REMANDS/WITHDRAWALS

A. POSTPONEMENTS

- 1. **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 1 - 1
Project Manager: Ora Owensby

Size: 16.04 acres ± BCC District: 6

MOTION: To postpone thirty (30) days to Thursday, November 6, 2008.

- 2. **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 and to increase the number of dwelling units..
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 2 - 2
Project Manager: Autumn Sorrow

Size: 36.38 acres ± BCC District: 6
(affected area 36.35 acres ±)

MOTION: To postpone thirty (30) days to Thursday November 6, 2008.

- 3. **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.
General Location: Southeast corner of Lyons Road and Boynton Beach Blvd.. **(Canyon Town Center TMD)** (Control 2004-00471)

Pages 3 - 3
Project Manager: Douglas Robinson

Size: 26.75 acres ± BCC District: 5

MOTION: To postpone thirty (30) days to Thursday November 6, 2008

4. **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 and larger wall signage on the eastern facade for Building A. General Location: Northeast corner of Southern Boulevard and Sansbury's Way.. (**Southern/Sansbury's MUPD (Kohl's)**) (Control 2007-00018)

Pages 4 - 4

Project Manager: Anthony Wint

Size: 24.63 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday, November 6, 2008.

B. REMANDS

C. WITHDRAWALS

5. **ZV/PDD/DOA-2008-00452** Title: a Type II Zoning Variance application of Mike Soueid by Ruden McClosky, Agent. Request: to allow more than more than 3 freestanding buildings; to eliminate the trees in divider medians; to eliminate shrubs in divider medians; to eliminate wall in the north 55 feet of the incompatibility buffer; to eliminate canopy trees within the north 55 feet of the incompatibility buffer and to eliminate the shrubs in the north 55 feet of the incompatibility buffer.

Title: an Official Zoning Map Amendment to a Planned Development District application of Mike Soueid by Ruden McClosky, Agent. Request: rezoning from the Residential Transitional Urban (RTU) and the General Commercial/Special Exception (CG/SE) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Development Order Amendment application of Mike Soueid by Ruden McClosky, Agent. Request: to add land area, add square footage, add an access point and reconfigure the site plan.

General Location: Southwest Corner of Lantana Road and Jog Road. (**Lantana Square Shopping Center**) (Control 1980-00089)

Pages 5 - 5

Project Manager: Carrie Rechenmacher

Size: 20.04 acres ±

BCC District: 3

MOTION: None required. Application withdrawn.

CONSENT AGENDA

B. ZONING APPLICATIONS

- 6. **Z-2007-02014** Title: an Official Zoning Map Amendment. application of Marquez Jones Joint Venture LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District..
General Location: Approximately 660 feet south of Hypoluxo Road on the west side of Hypoluxo Farms Road.. (**Marquez-Jones**) (Control 2005-00414)

Pages 6 - 27

Conditions of Approval Pages (20 - 23)

Project Manager: William Cross

Size: 20.47 acres ±

BCC District: 3

MOTION: To recommend approval of a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District, with a Conditional Overlay Zone (COZ).

- 7. **ZV/DOA-2008-00315** Title: a Type II Zoning Variance application of Bank Regions by Interplan LLC, Agent. Request: to allow a reduction in the required queuing spaces.
Title: a Development Order Amendment application of Bank Regions by Interplan LLC, Agent. Request: to reconfigure the site plan and add square footage.
General Location: Southwest corner of Via Flora Road and West Atlantic Avenue. (**Regions Bank at Peach Tree Plaza**) (Control 1984-00058)

Pages 28 - 63

Conditions of Approval Pages (45 - 53)

Project Manager: Carrie Rechenmacher

Size: 8.66 acres ±

BCC District: 5

(affected area 1.00 acres ±)

MOTION: To adopt a resolution approving a Type II variance allowing a reduction in the required queuing spaces

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and add square footage

REGULAR AGENDA

C. PREVIOUSLY POSTPONED ITEMS

- 8. **DOA-2008-00791** Title: a Development Order Amendment application of Partners Glades by ArtSign Co, Agent. Request: Modification of condition of approval (signage).

General Location: North side of Glades Rd., approximately .25 mi. west of Lyons Rd.. (**Toppel Center**) (Control 1989-00044)

Pages 64 - 86

Conditions of Approval Pages (76 - 83)

Project Manager: Anthony Wint

Size: 4.78 acres ±
(affected area 2.73 acres ±)

BCC District: 5

MOTION: To recommend approval of a Development Order Amendment to a Sign condition of approval.

- 9. **ZV/PDD-2008-00804** Title: a Type II Variance application of Hypoluxo Shoppes Inc by Law Office of Stuart Michelson, Agent. Request: to locate the wall on the property line and 100 percent of the plant material on the inside of the wall for the north incompatibility buffer.

Title: an Official Zoning Map Amendment to a Planned Development District application of Hypoluxo Shoppes Inc by Law Office of Stuart Michelson, Agent. Request: to rezone from the Community Commercial (CC) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

General Location: Northeast corner of Hypoluxo Road and High Ridge Road. (**Hypoluxo Shoppes**) (Control 2008-00243)

Pages 87 - 118

Conditions of Approval Pages (109 - 113)

Project Manager: Carol Glasser

Size: 4.20 acres ±

BCC District: 3

MOTION: To adopt a resolution denying two Type II Zoning Variances to locate the wall on the property line and 100 percent of the plant material on the inside of the wall for the north incompatibility buffer.

MOTION: To recommend approval of the request for an Official Zoning Map Amendment to rezone from the Community Commercial (CC) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

D. ZONING APPLICATION

- 10. **PDD-2008-00449** Title: an Official Zoning Map Amendment to a Planned Development District application of W & W XXIII LLC by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.
General Location: West side of State Road 7, Northwest of Hanover Point Drive.. **(Harvest Galleria MUPD)** (Control 2008-00052)

Pages 119 - 143

Conditions of Approval Pages (133 - 135)

Project Manager: Anthony Wint

Size: 5.26 acres ±

BCC District: 3

MOTION: To recommend approval to rezoning from the Agricultural Residential (AR) and the General Commerical (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District

- 11. **ZV-2008-01354** Title: a Type II Variance application of Southern Palms Associates Llc by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow larger wall signs on the western (side street) and southern (front) facades of Building C.
General Location: Northeast corner of Southern Boulevard and Sansbury's Way.. **(Southern/Sansbury's MUPD (Dick's))** (Control 2007-00018)

Pages 144 - 161

Conditions of Approval Pages (157 - 157)

Project Manager: Anthony Wint

Size: 24.63 acres ±
(affected area 24.35 acres ±)

BCC District: 6

MOTION: To adopt a resolution to deny the requests to allow a maximum sign face area of 288.16 Sq. ft. for wall signs on the western (side street) and southern (front) facades of Building C.

E. STATUS REPORTS

COMMISSIONER COMMENTS

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

- 12. **Move Zoning Commission** Hearing to Vista starting November 6, 2008 (See Attachment)

Pages 162 - 162

ADJOURNMENT