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**PALM BEACH COUNTY ZONING COMMISSION  
AMENDMENTS TO THE AGENDA  
Thursday, April 2, 2009**

**AGENDA**

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

**MOVE TO REGULAR AGENDA**

- 3.    **DOA-2008-1908 Delray Marketplace TMD**
- 4.    **PDD/DOA-2008-1911 Ascot-Lyons and Atlantic PUD**
- 5.    **TDD/DOA-2008-1912 Delray Marketplace TMD**

**AMENDMENTS TO THE CONSENT AGENDA**

- 6.    **PDD/R-2008-01903 Addison Court (Friends of Chabad)**

Previous Condition E.5 of Resolution ZR-2002-005, Control 1995-017(G) which currently states:

Prior to DRC approval, the site plan shall be amended to reflect the final location of the Pheasant Walk drainage ditch along the projects west property line. (DRC: ENG)

Is hereby amended to read:

5.    Prior to DRO approval, the applicant shall submit documentation indicating that the drainage system for the property is separate from the Pheasant Walk drainage system and will have no adverse impact to the Pheasant Walk system. ~~site plan shall be amended to reflect the final location of the Pheasant Walk drainage ditch and pipe size along the project's east property line and the location of the drainage easement and pipe size along the west property line.~~ (DRO:ENGINEERING-ENG)

Modify Engineering condition E.1 to include as follows:

[Note: Complete - Any additional Fair Share Fees will be in accordance with Code]

Modify Engineering condition E.4 to include as follows:

[Note: Complete]

- 7.    **Z/ABN2008-1918 PBIA Properties Rezoning**

Modify Engineering Condition 3.e to read as follows:

- e.    Properties within Area 5 (Parcel 6 G as shown on the Future Airport Development

Plan for application Z/ABN-2008-1918) shall be combined prior to issuance of the first building permit for that parcel. (BLDG PERMIT: MONITORING-Eng)

## AMENDMENTS TO THE REGULAR AGENDA

### 9. **ZV/ABN/Z-2008-01905 Colonial Inn**

Modify Engineering condition E.8 to read as follows:

8. Prior to final site plan approval, a new cross access and cross parking easement on the Heritage Park site for access to Sims Road and to meet parking requirements of the medical office shall be recorded. (DRO: ~~MONITORING~~ ENGINEERING-Eng)

### 10. **ZV/DOA-2008-01684 Resident Service Center**

Modify Engineering condition E.2 to read as follows:

2. Prior to April 23, 2010, the property owner shall ~~subdivide re-plot~~ the offsite parking area south of Century Boulevard from and the remainder of Tract 8 of Plat Book 28, Page 219, in accordance with Article 11. (DATE: MONITORING-Eng)

### 12. **DOA-2008-01897 Atlantic Commons PUD**

Modify Engineering condition 5.b and 5.d to read as follows:

#### 5. FLORIDA TURNPIKE NOISE MITIGATION

b. Construction of any required sound walls and landscape buffers for a pod fronting the turnpike as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. for any lot within the pod. This condition shall apply to all of Pods B and C only as shown on the Master Plan for the Application DOA-2008-01897 or as otherwise revised by an approved Noise Analysis acceptable to the County Engineer. The construction shall be as outlined in the Noise Analysis. The property owner shall provide Land Development a listing of the applicable PCN numbers for all affected lots within Pods B and C. (CO: MONITORING-Eng)

d. The property owner shall submit documentation of compliance with "c" above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before ~~June 15, 2006~~ October 23, 2009 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowner's association. (ONGOING/DATE: MONITORING - ENG)

Modify Planning condition 3.a to read as follows:

a. Guarantees the attainability of all 71 workforce units, which includes all units required per Article 5.G in the ULDC ~~for a period of twenty-five years (recurring).~~ per the time frames noted within the adopted ULDC at the time of BCC approval. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and...

Previous Property and Real Estate Management Condition 1 of Resolution No. R-2006-0516, Control No. 2004-525, is hereby amended in part to read as follows:

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 2.47 acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by ~~November 1, 2006~~ November 1, 2011. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

Previous Property and Real Estate Management Condition 2 of Resolution No. R-2006-0516, Control No. 2004-525, is hereby amended in part to read as follows:

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by ~~September 1, 2006~~ September 1, 2011. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

Previous Property and Real Estate Management Condition 3 of Resolution No. R-2006-0516, Control No. 2004-525, is hereby amended in part to read as follows:

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by ~~September 1, 2006~~ September 1, 2011. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. The assessment will include but not be limited to the following:

Delete PUD condition 10 in its entirety. [No longer applicable]

Modify PUD condition 11 to read as follows:

11. Prior to final DRO approval, all multi-family units along the west side of the E-2-E canal, directly abutting the internal spine road, ~~and~~ shall be a maximum two stories in height, not to exceed a maximum thirty (30)-feet in height measured to the highest point of the structure. (DRO: ZONING - Zoning)

## 11. **Z2008-2217 Palm Beach country Estates Community Park**

Modify All Petitions 1 to read as follows:

1. Within ~~ninety (90)~~ one hundred eighty (180) days of approval by the Board of County Commissioners the property owner shall deed the subject property over to South Indian River Water Control District (SIRWCD) who will maintain ownership and perpetual maintenance of the site. (DATE/ONGOING: MONITORING/CODE ENF - Zoning)



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

**Thursday, April 2, 2009  
9:00 A.M.**

**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 AGENDA**

**CONSENT AGENDA**

**REGULAR AGENDA**

**DIRECTOR COMMENTS**

**COMMISSIONER 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**

**APRIL 2, 2009**

**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, 6<sup>th</sup> Floor, at 9:30 A.M. on Thursday, April 23, 2009 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. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

Public comment is 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 AGENDA

## A. POSTPONEMENTS

1. **ZV-2008-01675** Title: a Type II Zoning Variance, application of JCL Management LLC by Jon E Schmidt & Associates, Agent. Request: to allow a buffer width reduction, a reduction in the number canopy trees, a reduction in the minimum height visual screen and the elimination of wall all within eastern Type III Incompatibility Buffer.

General Location: located on the northeast corner of Benoist Farms Road and Southern Boulevard. **(JCL Contractor's Storage)** (Control 1983-00045)

Pages 1 - 1

Project Manager: Andrea Harper

Size: 1.94 acres ±

BCC District: 6

(affected area 1.92 acres ±)

Staff Recommendation: To postpone ninety (90) days to Thursday July 2, 2009.

**MOTION:** To postpone ninety (90) days to Thursday July 2, 2009.

## B. REMANDS

## C. WITHDRAWALS

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. STATUS REPORTS**

- 2. **SR 2004-589** Title: Property owner: Ronald D. Simon. General Location: approximately 300 feet west of Florida's Turnpike on the north side of Clint Moore Road. Zoning District: **(Agricultural Reserve Zoning District (AGR) with a Class B Conditional Use to allow a day care, general)**

Pages 2 - 5

Size: 10.00 acres ±

BCC District: 5

**MOTION:** To 1) approve a time extension until December 1, 2011 for Resolution ZR-2005-004, and 2) revoke concurrency for a day care, general.

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

- 3. **DOA-2008-01908** Title: a Development Order Amendment, application of Donna Klein Jewish Academy Inc. by Land Design South of Florida Inc., Agent. Request: to delete land area. General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(Delray Marketplace TMD) (Control 2004-00616)**

Pages 6 - 29

Project Manager: Carol Glasser

Size: 82.99 acres ±

BCC District: 5

(affected area 9.89 acres ±)

Staff Recommendation: Staff recommends approval. (Conditions applicable to the Delray Marketplace TMD are carried forward in concurrent application TDD/DOA2008-1912)

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

4. **PDD/DOA-2008-01911** Title: an Official Zoning Map Amendment to a Planned Development District, application of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to allow a rezoning from the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District to the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District.  
Title: a Development Order Amendment, application of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to add land area, delete land area, and to modify the Master Plan.  
General Location: Northeast corner of West Atlantic Avenue and Lyons Road. **(Ascot - Lyons and Atlantic PUD)** (Control 2004-00369)

Pages 30 - 71

Conditions of Approval Pages (46 - 63)

Project Manager: Carol Glasser

Size: 382.56 acres ±

BCC District: 5

(affected area 9.89 acres ±)

Staff Recommendation: Staff recommends approval subject to 63 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District to the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District.

**MOTION:** To recommend approval of a Development Order Amendment to add land area, delete land area, and to modify the Master Plan subject to the conditions of approval in Exhibit C.



5. **TDD/DOA-2008-01912** Title: an Official Zoning Map Amendment to a Traditional Development District, application of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District to the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District.  
Title: a Development Order Amendment, application of Donna Klein Jewish Academy Inc by Land Design South of Florida Inc., Agent. Request: to add land area.  
General Location: Northwest corner of West Atlantic Avenue and Lyons Road. **(Delray Marketplace TMD)** (Control 2004-00616)

Pages 72 - 110  
 Conditions of Approval Pages (87 - 101)  
 Project Manager: Carol Glasser

Size: 82.99 acres ± BCC District: 5  
 (affected area 9.87 acres ±)

Staff Recommendation: Staff recommends approval subject to 77 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (Preservation Area) (AGR-PUD) Zoning District to the Traditional Marketplace Development (Preservation Area) (TMD) Zoning District.

**MOTION:** To recommend approval of a Development Order Amendment to add land area subject to the conditions of approval in Exhibit C.

6. **PDD/R-2008-01903** Title: an Official Zoning Map Amendment to a Planned Development District, application of Friends Of Chabad Of Boca Raton Inc by Miller Land Planning, Agent. Request: to allow a rezoning from Commercial General (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.  
Title: a Requested Use, application of Friends Of Chabad Of Boca Raton Inc by Miller Land Planning, Agent. Request: to allow a place of worship, daycare general, and financial institution with 4 drive-thru lanes.  
General Location: Approximately 490 feet north of Clint Moore Road on the east side of Military Trail. **(Addison Court (Friends of Chabad))** (Control 1995-00017)

Pages 111 - 139  
 Conditions of Approval Pages (125 - 131)  
 Project Manager: Joyce Lawrence

Size: 6.12 acres ± BCC District: 4  
 (affected area 3.07 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 27 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map Amendment rezoning from General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

**MOTION:** To recommend approval of a requested use to allow a place of worship, daycare general, and financial institution with 4 drive-thru lanes.

7. **Z/ABN-2008-01918** Title: an Official Zoning Map Amendment, application of Palm Beach County by Kilday & Associates Inc., Palm Beach County Department of Airports, Agent. Request: to allow a rezoning from the Residential High Density (RH) in-part, the Multi-family Residential (RM) in-part, the Light Industrial (IL) in-part, and the General Commercial (CG) in-part Zoning Districts to the Public Ownership (PO) Zoning District.

Title: a Development Order Abandonment, application of Palm Beach County by Kilday & Associates Inc., Palm Beach County Department of Airports, Agent. Request: to revoke Resolution R-80-1615 which granted a Special Exception to allow an Office/Warehouse Use.

General Location: Area 1 - Northeast and northwest intersection of Military Trail and Southern Boulevard; Area 2 - Southeast intersection of Military Trail and Belvedere Road, west of the existing Palm Beach International Airport runway; Area 3 - north of Belvedere Road and the existing Palm Beach International Airport runway; Area 4 - parcels generally located at the northwest and northeast intersection of Belvedere Road and 5th Street; and Area 5 - parcels generally located on Grace Drive. **(Pbia Properties Rezoning)** (Control 2008-00362)

Pages 140 - 173

Conditions of Approval Pages (171 - 172)

Project Manager: Donna Adelsperger

Size: 407.30 acres ±

BCC District: 6

(affected area 239.10 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 6 Voluntary Commitments.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) in-part, the Multi-family Residential (RM) in-part, the Light Industrial (IL) in-part, and the General Commercial (CG) in-part Zoning Districts to the Public Ownership (PO) Zoning District.

**MOTION:** To recommend approval of a Development Order Abandonment to revoke Resolution R-80-1615 which granted a Special Exception to allow an Office/Warehouse Combination.

8. **ZV-2009-00215** Title: a Type II Zoning Variance, application of Audrey Wolf by Palm Beach County, Urban Design Kilday Studios, Agent. Request: to allow a reduction in the pervious surface area.

General Location: Northeast corner of Seminole Pratt Whitney Road and Orange Boulevard. **(Pratt and Orange MUPD)** (Control 1998-00023)

Pages 174 - 199

Project Manager: Donna Adelsperger

Size: 22.04 acres ±

BCC District: 6

(affected area 6.66 acres ±)

Staff Recommendation: Staff recommends approval of the request.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the required pervious surface area.

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**



## REGULAR AGENDA

## A. ITEMS PULLED FROM CONSENT

## B. STATUS REPORTS

## C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9. **ZV/ABN/Z-2008-01905** Title: a Type II Variance, application of Colonial Inn by Urban Design Studio, Agent. Request: to reduce the required landscape buffer width; and to exceed the maximum building coverage requirement.  
Title: a Development Order Abandonment, application of Colonial Inn by Urban Design Studio, Agent. Request: to abandon Resolution R-1986-642 which granted a Special Exception to allow a Congregate Living Facility.  
Title: an Official Zoning Map Amendment, application of Colonial Inn by Urban Design Studio, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Institutional Public Facility (IPF) Zoning District.  
General Location: Approximately 1/4 mile north of Atlantic Avenue, on the west side of Sims Road. (**Colonial Inn**) (Control 1986-00026)

Pages 200 - 240

Conditions of Approval Pages (215 - 217)

Project Manager: Douglas Robinson

Size: 1.70 acres  $\pm$

BCC District: 5

Staff Recommendation: Staff recommends approval subject to twelve (12) conditions of approval in Exhibit C and two (2) Variance Conditions in Exhibit C.1.

**MOTION:** To adopt a resolution to approve a Type II Variance to reduce the required landscape buffer width from 15 feet to 5 feet and to exceed the maximum building coverage from 25% to 32%.

**MOTION:** To recommend approval of the abandonment of Resolution R-1986-642 which granted a Special Exception to allow an adult congregate living facility.

**MOTION:** To recommend approval of an Official Map Amendment from the Multi-family Residential (RM) Zoning District to the Institutional Public Facility (IPF) Zoning District.

10. **ZV/DOA-2008-01684** Title: a Type II Variance, application of Mountaineer Properties LLC by Covelli Design Associates Inc., Agent. Request: to allow a reduction in the number of parking spaces.  
Title: a Development Order Amendment, application of Mountaineer Properties LLC by Covelli Design Associates Inc., Agent. Request: to modify/delete conditions of approval (Landscaping, Lighting, Use Limitations) and add land area.  
General Location: Northwest corner of Century Boulevard and East Drive. **(Resident Service Center)** (Control 1993-00040)

Pages 241 - 272

Conditions of Approval Pages (258 - 264)

Project Manager: Carol Glasser

Size: 2.38 acres  $\pm$

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Amendment to modify/delete conditions of approval as amended by Staff and add land area subject to 23 conditions of approval as indicated in Exhibit C. Staff recommends approval of the variance subject to 4 conditions of approval as indicated in Exhibit C-1.

**MOTION:** To adopt a Resolution approving a Type II Variance to allow a reduction in the required parking subject to the conditions of approval in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to modify/delete conditions of approval (Landscaping, Lighting, and Use Limitations) and add land area subject to the conditions of approval in Exhibit C.

#### D. ZONING APPLICATIONS - NEW

11. **Z-2008-02217** Title: an Official Zoning Map Amendment, application of South Indian River Water Control District by Urban Design Studio, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.  
General Location: Approximately 2 miles north of Donald Ross Road on the east side of 69th Drive North and the west of the Florida's Turnpike. **(Palm Beach Country Estates Community Park)** (Control 2008-00117)

Pages 273 - 293

Conditions of Approval Pages (283 - 284)

Project Manager: Donna Adelsperger

Size: 2.41 acres  $\pm$

BCC District: 1

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment subject to 10 Conditions of Approval as contained in Exhibit C with a Conditional Overlay Zone.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone.

- 12. **DOA-2008-01897** Title: a Development Order Amendment, application of Atlantic Commons by Atlantic Commons Associates LLLP, Agent. Request: to reconfigure master plan, add units, allow a model row, modify conditions of approval (PUD and PREM), and restart the commencement clock. General Location: Northeast of Atlantic Avenue and Florida Turnpike. (**Atlantic Commons PUD**) (Control 2004-00525)

Pages 294 - 342

Conditions of Approval Pages (317 - 330)

Project Manager: Ora Owensby

Size: 123.03 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request, subject to 46 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure master plan, add units, allow a model row, modify conditions of approval (PUD and PREM), and restart the commencement clock.

**DIRECTOR COMMENTS**

- A. COUNTY ATTORNEY
- B. ZONING DIRECTOR
- C. EXECUTIVE DIRECTOR

**COMMISSIONER COMMENTS**

- A. ELECTION OF CHAIR AND VICE CHAIR

**ADJOURNMENT**

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