



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

THURSDAY AUGUST 6, 2009

9:00 A.M.

**Vista Center 1st 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/

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

AGENDA
PALM BEACH COUNTY ZONING COMMISSION

AUGUST 6, 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 1st 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, August 27, 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

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 1. [CA/CB-2008-01517](#) Title: a Class A Conditional Use application of Henry Garofalo by Cotleur & Hearing Inc., Agent. Request: to allow a school elementary or secondary (private).

General Location: Approximately 0.37 miles west of Lyons Road, on the south side of West Boynton Beach Boulevard. **(Saddleranch Preschool)** (Control 1996-00124)

Pages 1 - 23

Conditions of Approval Pages (16 - 19)

Project Manager: Ronald Sullivan

Size: 4.43 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 24 conditions of approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a school, elementary or secondary (private) subject to Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

2. **PDD/R/TDR-2008-01907** Title: an Official Zoning Map Amendment to a Planned Development District application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Requested Use application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow the Transfer of Development Right units.

Title: a Transfer of Development Rights application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow the Transfer of Development Rights for 89 units, designate the subject property as the receiving area, and approve the reduced cost of \$1.00 per unit for 44 of the Transfer of Development Rights units.

General Location: Approximately 1000 feet north of Hypoluxo Road, on the east side of Military Trail. **(Southern Trails PUD)** (Control 2003-00501)

Pages 24 - 67

Conditions of Approval Pages (52 - 59)

Project Manager: Ora Owensby

Size: 21.80 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 39 Conditions of Approval as indicated in Exhibit C-1 and 9 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) to the Planned Unit Development (PUD) subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use to allow Transfer of Development Right units.

MOTION: To recommend approval of a Requested Use to allow the Transfer of Development Rights for 89 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 subject to Conditions of Approval as indicated in Exhibit C-2.

3. **DOA/CA-2009-00981** Title: a Development Order Amendment application of Nguyen Investments LLC by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan, delete square footage, and modify conditions of approval (Signs).

Title: a Class A Conditional Use application of Nguyen Investments LLC by Jon E Schmidt & Associates, Agent. Request: to allow a Type I Restaurant.

General Location: North side of Okeechobee Boulevard, approximately 1,200 feet east of West Drive. **(The Food Court)** (Control 1992-00039)

Pages 68 - 93

Conditions of Approval Pages (81 - 85)

Project Manager: Ora Owensby

Size: 1.80 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval as indicated in Exhibit C-1 and 17 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and delete square footage subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type I Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2.

4. **ZV-2009-00557** Title: Type II Variance application of Angelo Bartolome by South East Architect Services Inc, Agent. Request: to allow a reduction in the minimum lot size.

General Location: North of Military Trail, at the intersection of Military Trail and Old Military Trail. **(Sunshine Medical Office Building)** (Control 2004-00956)

Pages 94 - 109

Conditions of Approval Pages (102 - 102)

Project Manager: Joyce Lawrence

Size: 0.99 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction of the lot size subject to the Conditions of Approval as indicated in Exhibit C.

5. **DOA-2009-00996** Title: a Development Order Amendment application of Faith United Methodist Church by Faith United Methodist Church, Agent. Request: to allow an increase in the number of children for the Daycare, an increase in the Daycare square footage and an equivalent decrease in the church square footage, reconfigure the site plan, and modify a condition of approval (Daycare).
General Location: South side of Boynton Beach Boulevard approximately 720 feet east of Jog Road. **(Faith United Methodist Church)** (Control 1991-00042)

Pages 110 - 129

Conditions of Approval Pages (122 - 127)

Project Manager: Carol Glasser

Size: 9.78 acres ±

BCC District: 5

(affected area 2.12 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 26 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to allow an increase in the number of children for the Daycare, an increase in the Daycare square footage and an equivalent decrease in the church square footage, reconfigure the site plan, and modify a condition of approval (Daycare) subject to the Conditions of Approval as indicated in Exhibit C.

6. **ZV/DOA-2008-01900** Title: a Type II Zoning Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to eliminate the percentage of transparency for the building design of Building I (Theater and Bowling Alley).

Title: a Development Order Amendment application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify/delete Conditions of Approval (Building and Site Design, Planning).

General Location: Northwest corner of West Atlantic Avenue and future Lyons Road. **(Delray Marketplace)** (Control 2004-00616)

Pages 130 - 182

Conditions of Approval Pages (157 - 173)

Project Manager: Carol Glasser

Size: 88.33 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1 and 78 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to eliminate the percentage of transparency for building design for Building I (Theater and Bowling Alley) subject to the Conditions of Approval indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify/delete Conditions of Approval (Building and Site Design, Planning) subject to the Conditions of Approval indicated in Exhibit C-2.

7. **DOA-2009-00567** Title: a Development Order Amendment application of Palm Beach Baptist Church Inc by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan, add square footage, amend the number of students, and modify a condition of approval (Use Limitation).

General Location: South side of Military Trail approximately 1,000 feet south of Lantana Road. **(Montessori Academy)** (Control 1973-00216)

Pages 183 - 204

Conditions of Approval Pages (195 - 200)

Project Manager: Anthony Wint

Size: 13.19 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Development Order Amendment request subject to thirty-five (35) conditions of approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, amend the number of students, and modify a condition of approval (Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

8. **DOA/R-2009-00565** Title: a Development Order Amendment application of Four Jr Corporation by Land Research Management Inc., Agent. Request: to reconfigure the site plan, redesignate land uses and add square footage.

Title: a Requested Use application of Four Jr Corporation by Land Research Management Inc., Agent. Request: to allow a Congregate Living Facility Type III.

General Location: North side of Northlake Boulevard, approximately 4 miles west of Beeline Highway (SR710). **(Northlake CLF)** (Control 2005-00599)

Pages 205 - 229

Conditions of Approval Pages (219 - 224)

Project Manager: Anthony Wint

Size: 9.64 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 31 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, redesignate land uses and add square footage subject to Conditions of Approval as indicated in Exhibit C.

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

9. **Z/DOA-2009-01524** Title: an Official Zoning Map Amendment application of Indian Trail Improvement District by Wayne Villavaso Landscape Architecture Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.

Title: a Development Order Amendment application of Indian Trail Improvement District by Wayne Villavaso Landscape Architecture Inc., Agent. Request: to add land area (2.59 acres) to Hamlin Equestrian Park.

General Location: Approximately 660 feet east of Hall Boulevard on the south side of Hamlin Boulevard. (**Hamlin Equestrian Park**) (Control 1997-00058)

Pages 230 - 244

Conditions of Approval Pages (242 - 244)

Project Manager: Anthony Wint

Size: 9.57 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 18 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 Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.

MOTION: To recommend approval of a Development Order Amendment to add land area (2.59 acres) to Hamlin Equestrian Park subject to the Conditions of Approval as indicated in Exhibit C.

10. **ZV/CA/W-2009-00221** Title: a Type II Variance application of Thoonthawai Thuaprakhon. Request: to allow a reduction in the buffer along the south property; a reduction of 5 feet of the rear setback; a 100% encroachment of a utility easement in the north and east buffers;

Title: a Conditional Use Class A application of Thoonthawai Thuaprakhon. Request: to allow a Place of Worship.

Title: a Unique Structure application of Thoonthawai Thuaprakhon. Request: to allow deviation of the Architectural Guidelines

General Location: Southwest corner of Royal Palm Beach Boulevard and 47th Road North. (**Wat Mahabhatujetiyaram**) (Control 2000-00076)

Pages 245 - 295

Conditions of Approval Pages (265 - 268)

Project Manager: Monica Cantor

Size: 2.50 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1, and 13 Conditions of Approval as indicated in Exhibit C-2, and 3 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow five (5) feet reduction in the buffer along the south property; a reduction of five (5) feet of the rear setback; a hundred (100) percent encroachment of a utility easement in the north and east buffers subject to the conditions of approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship subject to the condition of approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a waiver to allow deviation of the Architectural Guidelines subject to the conditions of approval as indicated in Exhibit C-3.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**

- 11. **CA-2009-00979** Title: a Class A Conditional Use application of Hefaz Enterprise Inc by Jon E Schmidt & Associates, Agent. Request: to allow a convenience store with gas sales and an accessory car wash.
General Location: Northwest corner of Lake Worth Road and Pinehurst Drive.
(Texaco Gas Station) (Control 2009-01842)

Pages 296 - 322

Conditions of Approval Pages (315 - 317)

Project Manager: David McGuire

Size: 0.75 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 19 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a Convenience store with gas sales (12 fueling positions) including an accessory Car Wash subject to the Conditions as indicated in Exhibit C.

END OF REGULAR AGENDA

DIRECTOR COMMENTS

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

COMMISSIONER COMMENTS

ADJOURNMENT