



**PALM BEACH COUNTY ZONING COMMISSION  
AMENDMENTS TO THE AGENDA  
Friday, January 9, 2009**

**AGENDA**

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

**AMENDMENTS TO THE CONSENT**

**4.        Pgs 4-33                                    DOA-2008-01365 (Colonial Lakes)**

Modify Engineering condition 1-6 as follows:

1. Previous Condition E1 of Zoning Resolution R-2007-2147, Control No. 2006-010, which currently states:

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

No Building Permits for the site may be issued after April 26, 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)

Is hereby amended to read:

In Order to comply with mandatory Traffic Performance Standards. The developer shall be restricted to the following phasing schedule:

- a. No building permits for the site shall be issued after December 31, 2013. 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)

2. The Property owner shall construct:

- a. a directional median opening on Lake Worth Road at Walker Avenue/Project Entrance Road subject to the approval of the Florida Department of Transportation
- b. 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 and acquisition of any additional required right-of-way.
- c. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- d. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

(Previous Condition E2 of Zoning Resolution R-2007-2147, Control No. 2006-010)

3. Landscape Within the Median of Lake Worth Road

- a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lake Worth Road. This landscaping and

irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING:ENG-Eng)

- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING:ENG-Eng)
- e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lake Worth Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING:ENG-Eng)

(Previous Condition E3 of Zoning Resolution R-2007-2147, Control No. 2006-010)

4. Security gates within the project entrance from Lake Worth Road shall not be permitted. (ONGOING:ENG-Eng)

(Previous Condition E4 of Zoning Resolution R-2007-2147, Control No. 2006-010)

5. The developer shall lengthen the existing left turn lane west approach at the intersection of Lake Worth Road and Haverhill Road, east of the project entrance. This turn lane shall be lengthened to a minimum 326 feet in length, including the 50 foot paved taper. 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 and acquisition of any additional required right-of-way.

- a. Permits required for improvements identified above shall be obtained from the Florida Department of Transportation 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)

6. Access to site from West View Street along the eastern property limits shall be limited to emergency vehicles only. This entrance shall not be used for ingress or egress from the site. (ONGOING: ENGINEERING-Eng)

**5. Pgs. 34-56                      Z/CA-2008-00437 (Haitian Christian Church)**

Add Engineering conditions 1 thru 8 as follow:

- 1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a. No building permits for the site shall be issued after December 31, 2013. 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)

2. The Property Owner shall fund their proportionate share of the cost of signal installation, if warranted, as determined by the County Engineer at Wallis Rd/Jog Rd intersection. Signalization shall be a mast arm structure installation. The proportionate share of the cost of signalization shall also include all design costs and required utility relocation and right of way or easement acquisition. No Building Permits shall be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of Traffic Division. (BLDG PERMIT: MONITORING-Eng).
3. In order to be relieved from requirement in No. 2 above and to have the surety posted for the traffic signal at Wallis Rd/Jog Rd returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at Wallis Rd/Jog Rd intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING:ENGINEERING-Eng)
4. Prior to final DRO approval, the site plan shall be amended to include the control radius from the north approach left turn lane on Jog Road onto Wallis Road. (DRO: ENGINEERING- Eng)
5. The concrete separator for the north approach left turn lane on Jog Road shall be extended south to provide for a control radius acceptable to the County Engineer.
  - 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)
6. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 40 feet of right of way from centerline of Wallis Road right of way prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey if required by the County Engineer. Road right of way conveyances shall include where appropriate as determined by the County Engineer additional right of way for corner clips. (BLDG PERMIT: MONITORING-Eng)
7. The developer shall fund the construction plans and construction of Wallis Road from the existing limits of pavement to the eastern property boundary to be consistent with Palm Beach County standards for a 80 foot right of way non-plan collector street. 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 and acquisition of any additional required right-of-way.
  - a. Permits required for Improvements identified above shall be obtained from Palm Beach County 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)
8. The Property owner shall construct a left turn lane west approach on Wallis Road at the project's entrance. The length of the left turn lane shall be approved by the County Engineer. 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 and acquisition of any additional required right-of-way.
  - 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)

Modify All Petition condition 1 to read as follows:

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated ~~xxxxxx~~ June 16, 2008. 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. (ONGOING: ZONING - Zoning)

Modify Signs condition 1 to read as follows:

1. Freestanding sign fronting on ~~Haverhill~~ Jog Road shall be limited as follows:
  - a) Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b) Maximum sign face area per side - 60 square feet;
  - c) Maximum number of signs - one (1); and
  - d) Style - monument style only. (BUILDING PERMIT: BLDG-Zoning)

Modify Landscaping condition 7 to read as follow:

7. Landscaping and buffering along the north and east property lines shall be upgraded to include a four (4) foot fence, hedge or combination thereof. In addition the hedge shall be planted at thirty-six (36) inches and maintained at six(6) feet.

- ~~a. A minimum fifteen (15) foot wide landscape buffer strip; and~~
- ~~b. A six (6) foot high opaque concrete wall setback a minimum of five (5) feet from the property line. The exterior side of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development. The wall shall not be located within safe sight corners. (CO: LANDSCAPE-Zoning)~~

Modify Use Limitations condition 1 to read as follow:

1. All services shall be held within the principal structure, and the hours of operation shall be limited to 7:00 a.m. to ~~9:00~~ 11:00 p.m., excluding holiday services only. (ONGOING: CODE ENF - Zoning)

**8. Pgs. 105-134 ZV/DOAR-2008-01357 (Fantastic Finishes)**

Modify All Petition condition 1 to read as follows:

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-83-255, Control 82-182, Resolution R-86-1357, Control 82-182(A), and Resolution R-90-1895, Control 82-182(B), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Modify Engineering condition 2 thru 9 to read as follows:

2. Petitioner shall amend the proposed site plan to reflect legal access, maximum turn-out dimensions, confirmed base building lines, and resulting setbacks prior to site plan certification and subsequent to final resolution of the alignment of Johnson Lane. (DRO: ENGINEERING – Eng) (Previous Condition 2 of Resolution R-83-255, Control No. 1982-182)

3. Petitioner shall provide a limited access easement along Belvedere Road. (DRO: ENGINEERING - Eng) (Previous Condition 4 of Resolution R- 86-1357, Control No. 1982-182)

4. Prior to the issuance of a Certificate of Occupancy, the Developer shall construct:

- a) Johnson Lane from Belvedere Road south to the project's entrance road.

b) A left turn lane east approach on Belvedere Road at its intersection with Johnson Lane.

Plans for these improvements shall be included in the application to the County Engineer's Office for the project's Paving and Drainage Permit. (DRO: ENGINEERING – Eng) (Previous Condition 5 of Resolution R-83-255, Control No. 1982-182)

5. Developer shall contribute the sum of Four Hundred and Eighty-Eight (\$488.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit. (BLDG PERMIT: ENGINEERING – Eng) (Previous Condition 6 of Resolution R-83-255, Control No. 1982-182)

6. The development shall retain on-site 85% of the stormwater runoff generated by a three (3) year- one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval. (ONGOING: ENGINEERING – Eng) (Previous Condition 8 of Resolution R- 86-1357, Control No. 1982-182)

7. The property owner shall convey for the ultimate right-of-way of Johnson Lane, 30 feet from centerline or provide alternate right-of-way as approved by County Engineer within 90 days of adoption of the Resolution by t h e Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (ONGOING: ENGINEERING – Eng) (Previous Condition 9 of Resolution R- 86-1357, Control No. 1982-182)

[Note:Complete]

8. The property owner shall construct left turn lane, east approach and a right turn lane, west approach on Belvedere Road at the project's entrance road concurrent with on site paving and drainage improvements. (ONGOING: ENGINEERING – Eng) (Previous Condition 10 of Resolution R- 86-1357, Control No. 1982-182)

[Note:Complete]

9. The property owner shall convey for the ultimate right-of-way of Belvedere Road, 60 feet from centerline within 90 days of the approval of the Resolution approving this project. (ONGOING: ENGINEERING – Eng) (Previous Condition 11 of Resolution R- 86-1357, Control No. 1982-182)

[Note:Complete]

Add Environmental conditions 1 as follow:

1. Previous Condition 2 of Resolution No. R-90-1895, Control No. 1982-182 which currently states:

The Petitioner shall submit to the Zoning Division and the Department of Environmental Resources Management a planting and maintenance plan for all remianing preservation areas prior to Site Plan certification. (DRO:ZONING-ERM)

Is hereby deleted [Reason: Completed]

Add Health conditions 5 thru 6 as follow:

5. Previous condition 3 of Resolution R-1983-255 which reads:

Petitioner shall thake reasonable precautions during development of this prohect to insure that fugitive particles (dust particulates) from this project do not become a nuisance to neighboring properties.

Is hereby deleted – [Reason: Addressed with Dust control letter]

6. Previous condition 4 of Resolution R-1983-255 which reads:

Petitioner shall take reasonable precaution to insure that runoff from this project will not pollute adjacent or nearby surface waters.

Is hereby deleted – [Reason: Code Requirement]

7. Previous Condition 6 of Resolution R- 86-1357, Control No. 1982-182 which reads:

Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH – Health)

Is hereby deleted – [Reason: Superseded by Health Condition 1]

8. Previous Condition 7 of Resolution R- 86-1357, Control No. 1982-182 which reads:

No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system. (ONGOING: HEALTH – Health)

Add Landscape conditions 8 thru 11 as follow:

8. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) indicate the fifteen (15) foot perimeter landscape buffer easement.
- b) indicate the area within the perimeter buffer as acreage to be excluded from the minimum tree requirement calculation. (DRO: ZONING – Zoning) (Previous Condition 1 of Resolution R- 86-1357, Control No. 1982-182)

9. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) The required number of trees to be preserved or planted. If trees are to be preserved, the site plan shall be accompanied by a tree survey indicating said trees. (DRO: LANDSCAPE – Zoning) (Previous Condition 2 of Resolution R- 86-1357, Control No. 1982-182)

10. Previous Condition 5 of Resolution R- 86-1357, Control No. 1982-182 which currently states:

Areas of existing vegetation, particularly within the perimeter buffer, to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification . These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas throughout the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services. (DRO: LANDSCAPE – Zoning)

Is hereby deleted – [Reason: Superseded by Landscape Condition 1]

11. Prior to final Development Review Officer (DRO) approval, the applicant shall provide a release agreement and removal for any plant material encroaching into the utility easement. (DRO: LANDSCAPE-Zoning)

Add Building and Site Design conditions 1 to read as follow:

1. Individual sites within the Planned Industrial Park shall be subject to approval of the Site

Plan Review Committee. (DRO: ZONING – Zoning) (Previous Condition 3 of Resolution R-86-1357, Control No. 1982-182)

Add Use Limitations condition 1 to read as follow:

1. There shall be no retail or consumer service uses permitted in the proposed office-warehouse combination. (ONGOING: ZONING – Zoning) (Previous Condition 12 of Resolution R- 86-1357, Control No. 1982-182)

Add Utilities condition 1 to read as follow:

1. Developer shall enter into a contract for water service with Palm Beach County Utilities prior to site plan certification. (ONGOING: UTILITIES – Utilities) (Previous Condition 1 of Resolution R-83-255, Control No. 1982-182)

**9. Pgs. 135-178 ZV/DOA/R-2008-01523 (Garden Shops at Boca II)**

Modify All Petition condition 3 to read as follows

3. Condition A.3 of Resolution R-98-304, Petition No. 81-115(F) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 11, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved preliminary site plan is dated ~~November 12, 2008~~ December 22, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

Correct Variance 3 to read:

ULDC Sec.	Required	Proposed	Variance
Art. 3.E.3.B.2.c . Landscape in Easements	Maximum overlap of landscape buffer of 5 feet with minimum 5 feet clear for planting.	West Buffer - Allow encroachment of 12 foot private utility easement into 15' ROW buffer in the affected area as depicted on variance exhibit detail.	Allow encroachment of 12 foot private utility easement into 15' ROW buffer as depicted on variance exhibit.

**13. Pgs. 285-308 Z/CA-2007-02010 (ETC Office/Warehouse)**

Modify Engineering condition 1 and 2 to read as follows:

1. The developer shall construct Ohio Street from Congress Avenue to the eastern property limits, along the entire project's frontage, ~~to bring the street up to~~ Palm Beach County standards for a an ultimate 60 foot right of way local street. 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 and acquisition of any additional required

right-of-way. The construction shall include paved driveways to the southerly right of way line for all driveways within the limits of construction and drainage to Palm Beach County standards accounting for all contributory properties.

- a. Permits required for Improvements identified above shall be obtained from Palm Beach County 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)
2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- a. No building permits for the project shall be issued after December 31, 2010. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING -Eng) .

## **MOVE TO REGULAR AGENDA and AMEND**

### **12. Pgs 252-284 PDD/R/W-2008-1372 (Retreat at Palm Beach)**

Modify All Petitions condition 2 to read as follows:

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall provide proof of satisfaction of fine/lien for any all Palm Beach County fines/lien(s) placed on the subject site in reference to Code Enforcement complaints C0603110034 and C0511290011. (DRO: Zoning - Code Enforcement)

Modify Engineering condition 3 to read as follow:

3. The property owner shall lengthen the existing east approach left turn lane on Lake Worth Road at Cooley Court. This turn lane shall be extended to 330 feet, including a 50 foot paved taper, or as to a length approved by the County Engineer. 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 and acquisition of any additional required right-of-way.
  - a. Permits required for the improvement identified above shall be obtained from the Florida Department of Transportation 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)



Board of County Commissioners

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**

**FRIDAY JANUARY 9, 2009**

**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**

**JANUARY 9, 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, 6th Floor, at 9:30 A.M. on Thursday, January 29, 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.

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. **CA-2008-00616** Title: a Class A Conditional Use application of Michael James by Burt Smith PE, Agent. Request: to allow a place of worship.  
General Location: Approximately 2300 feet east of Seminole Pratt Whitney Road and on the south side of Okeechobee Boulevard. **(Sacred Africa Church)** (Control 2008-00111)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 1.28 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday, February 5, 2009.

- 2. **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 2 - 2

Project Manager: Ora Owensby

Size: 16.04 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday, February 5, 2009.

- 3. **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 3 - 3

Project Manager: Andrea Harper

Size: 1.94 acres ±  
(affected area 1.92 acres ±)

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday February 5, 2009.

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

**CONSENT AGENDA**

**B. ZONING APPLICATIONS**

- 4. **DOA-2008-01365** Title: a Development Order Amendment application of Colonial Lakes LLC by Land Design South Inc., Agent. Request: to modify conditions of approval (Site Design, Engineering, Landscaping, Workforce Housing and Transfer of Development Rights), reconfigure site plan and delete units.

General Location: Approximately 500 feet west of Haverhill Road on the south side of Lake Worth Road. **(Colonial Lakes)** (Control 2006-00010)

Pages 4 - 33

Conditions of Approval Pages (20 - 24)

Project Manager: Anthony Wint

Size: 9.84 acres ±

BCC District: 2

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

- 5. **Z/CA-2008-00437** Title: an Official Zoning Map Amendment application of Chretienne Eglise by Land Research Management Inc., Agent. Request: to rezone from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District.

Title: a Class A Conditional Use application of Chretienne Eglise by Land Research Management Inc., Agent. Request: to allow a place of worship and to allow a daycare.

General Location: Northeast corner of Wallis Road and Jog Road. **(Haitian Christian Church)** (Control 2007-00411)

Pages 34 - 56

Conditions of Approval Pages (46 - 48)

Project Manager: Anthony Wint

Size: 4.51 acres ±

BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment to rezone from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow a place of worship and to allow a daycare.

6. **ZV/DOA-2008-01038** Title: a Type II Zoning Variance application of Holdings GPH by Ruden McClosky, Agent. Request: to allow a reduction in the right-of-way buffer width and hedge materials, to allow a 100% utility easement encroachment into the buffer, to delete the berm along the right-of-way buffer and to reduce the required queuing spaces.  
Title: a Development Order Amendment application of Holdings GPH by Ruden McClosky, Agent. Request: to reconfigure the site plan and add square footage.  
General Location: Northeast corner of Palmetto Park and Oriole Country Road. (**Loggers Run commercial**) (Control 1975-00068)

Pages 57 - 89

Conditions of Approval Pages (75 - 81)

Project Manager: Joyce Lawrence

Size: 12.21 acres ±

BCC District: 5

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the right-of-way buffer width and hedge materials, to allow a 100% utility easement encroachment into the buffer, to delete the berm along the right-of-way buffer and to reduce the required queuing spaces.

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

7. **ZV-2008-01696** Title: a Type II Variance application of Mark Levin by Land Design South Inc., Agent. Request: to allow a minimum 5 foot overlap easement into the right-of-way buffer along the south and the west property lines.  
General Location: Northeast corner of Lantana Road and Haverhill Road. (**Lantana Plaza/Place**) (Control 2003-00099)

Pages 90 - 104

Conditions of Approval Pages (98 - 98)

Project Manager: Joyce Lawrence

Size: 10.00 acres ±  
 (affected area 9.82 acres ±)

BCC District: 3

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a minimum 5 foot overlap easement into the right-of-way buffer along the south and the west property lines

8. **ZV/DOA/R-2008-01357** Title: a Type II Variance application of Catoe Invstmnt Inc by Jon E Schmidt & Associates, Agent. Request: to allow off-street parking.  
Title: a Development Order Amendment application of Catoe Invstmnt Inc by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Site Plan.  
Title: a Requested Use application of Catoe Invstmnt Inc by Jon E Schmidt & Associates, Agent. Request: to allow a paint and body shop.  
General Location: Approximately 245' South of Belvedere Road, on the West side of Stinson Way. **(Fantastic Finishes)** (Control 1982-00182)

Pages 105 - 134

Conditions of Approval Pages (119 - 122)

Project Manager: Joyce Lawrence

Size: 1.42 acres ±

BCC District: 6

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in required off-street parking.

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

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

9. **ZV/DOA/R-2008-01523** Title: a Type II Zoning Variance application of Garden Shops at Boca Joint Venture by Kilday & Associates Inc., Agent. Request: to allow utility easement overlaps in R-O-W buffers.  
Title: a Development Order Amendment application of Garden Shops at Boca Joint Venture by Kilday & Associates Inc., Agent. Request: to reconfigure the site plan and add square footage.  
Title: a Requested Use application of Garden Shops at Boca Joint Venture by Kilday & Associates Inc., Agent. Request: to allow a Type I Restaurant with a drive-thru.  
General Location: The southwest corner of the intersection of West Palmetto Park Road and Powerline Road. **(Garden Shops at Boca II)** (Control 1981-00115)

Pages 135 - 178

Conditions of Approval Pages (158 - 165)

Project Manager: Autumn Sorrow

Size: 18.73 acres ±

BCC District: 4

(affected area 18.62 acres ±)

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow utility easement overlaps in R-O-W buffers.

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

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant with Drive Thru.

10. **SV/Z-2008-00439** Title: a Subdivision Variance application of Alex Gastaliturri by Lewis Longman & Walker PA, Agent. Request: variance from the requirement that each lot be provided with a service connection to a central sewage collection/transmission system, to allow use of individual septic tanks.  
Title: an Official Zoning Map Amendment application of Alex Gastaliturri by Lewis Longman & Walker PA, Agent. Request: to rezone from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.  
General Location: Approximately 2,445 feet north of Lantana Road on 1st Road. **(Gastaliturri Rezoning)** (Control 2005-00371)

Pages 179 - 200

Conditions of Approval Pages (193 - 193)

Project Manager: Carol Glasser

Size: 1.54 acres ±

BCC District: 2

MOTION: To adopt a resolution approving a Subdivision Variance to allow a variance from the requirement that each lot be provided with a service connection to a central sewage collection/transmission system, to allow use of individual septic tanks.

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

11. **ZV/CA/TDR-2008-00612** Title: a Type II Zoning Variance application of Place of Hope Inc , Village of Hope of Palm Beach County Inc by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in side and rear setbacks, parking dimensions, walkway widths, incompatibility buffer widths, and right-of-way buffer width.  
Title: a Class A Conditional Use application of Place of Hope Inc , Village of Hope of Palm Beach County Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Type 3 Congregate Living Facility.  
Title: a Transfer of Development Rights application of Place of Hope Inc , Village of Hope of Palm Beach County Inc by Cotleur & Hearing Inc., Agent. Request: to allow the Transfer of Development Rights for 3 units and designate this site as the receiving area, and to allow the reduced cost of \$1.00 per unit for the Transfer of Development Rights units.  
General Location: West side of Burma Road approximately one-tenth mile south of Northlake Blvd. **(Village of Hope)** (Control 2008-00110)

Pages 201 - 251

Conditions of Approval Pages (223 - 226)

Project Manager: Carol Glasser

Size: 1.43 acres ±

BCC District: 1

MOTION: To adopt a resolution approving Type II Variances to allow a reduction in side and rear setbacks, parking dimensions, walkway widths, incompatibility buffer widths, and right-of-way buffer width.

MOTION: To recommend approval of a Conditional Use to allow a Type 3 Congregate Living Facility.

MOTION: To recommend approval of a Transfer of Development Rights for 3 units and to designate this site as the receiving area, and to allow the reduced cost of \$1.00 per unit for the Transfer of Development Rights units.

12. **PDD/R/W-2008-01372** Title: an Official Zoning Map Amendment to a Planned Development District application of Diwatch Intrntnal Consultants Inc by Seminole Bay Land Company Inc., Agent. Request: to rezone from the Neighborhood Commercial (CN) and the Multi-family Residential (RM) Zoning Districts to the Mixed Use Planned Development (MXPDP) Zoning District.
- Title: a Requested Use application of Diwatch Intrntnal Consultants Inc by Seminole Bay Land Company Inc., Agent. Request: to allow a Type 3 Congregate Living Facility.
- Title: a Waiver of Dimensional Criteria application of Diwatch Intrntnal Consultants Inc by Seminole Bay Land Company Inc., Agent. Request: to allow a reduction of lot frontage on the north property line for a Planned Development District.
- General Location: South side of Lake Worth Road West of Kirk Road. **(Retreat at Palm Beach)** (Control 2008-00026)

Pages 252 - 284

Conditions of Approval Pages (276 - 279)

Project Manager: Carol Glasser

Size: 2.34 acres ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment to rezone from the Neighborhood Commercial (CN) and the Multifamily Residential (RM) Zoning Districts to the Mixed Use Planned Development (MXPDP) Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 3 Congregate Living Facility.

MOTION: To recommend approval of a waiver to allow a reduction of lot frontage on the north property line for a Planned Development District.

13. **Z/CA-2007-02010** Title: an Official Zoning Map Amendment application of 366 South Congress Llc by CWB Associates, Agent. Request: to rezone from the General Commercial (CG) and the Residential High Density (RH) Zoning Districts to the Light Industrial (IL) Zoning District.
- Title: a Class A Conditional Use application of 366 South Congress Llc by CWB Associates, Agent. Request: to allow office space in excess of 30% of the Gross Floor Area (GFA).
- General Location: Northeast corner of South Congress Avenue and Ohio Street. **(ETC Office/Warehouse)** (Control 1984-00020)

Pages 285 - 308

Conditions of Approval Pages (302 - 304)

Project Manager: Carrie Rechenmacher

Size: 1.31 acres ±

BCC District: 3

(affected area 1.18 acres ±)

MOTION: To recommend approval of an Official Zoning Map amendment from the General Commercial (CG) and the Residential High Density (RH) Zoning Districts to the Light Industrial (IL) Zoning District.

MOTION: To recommend approval to allow office space in excess of 30% of Gross Floor Area (GFA)



14. **ZV/Z-2008-01518** Title: a Type II Zoning Variance application of Cordell Shaw by Moyle Flanigan, Agent. Request: to allow a reduction in the side setback and to allow an accessory structure to be located in the front yard.  
Title: an Official Zoning Map Amendment application of Cordell Shaw by Moyle Flanigan, Agent. Request: to rezone from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District.  
General Location: Approximately 0.7 miles north of Donald Ross Road on the east side of Palmwood Road. **(Palmwood Shaw Rezoning)** (Control 2006-00095)

Pages 309 - 338

Conditions of Approval Pages (326 - 327)

Project Manager: Donna Adelsperger

Size: 0.62 acres ±

BCC District: 1

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the side setback and to allow an accessory structure to be located in the front yard.

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

15. Corrective Resolution: To correct Exhibit D of Resolution ZR-2008-059. (Dicks Sporting Goods) (ZR2008-059, Control 2007-018)

Pages 339 - 340

**REGULAR AGENDA**

**D. ZONING APPLICATION**

- 16. **ZV-2008-01919** Title: a Type II Zoning Variance application of Kings Point Housing Corp & by Kilday & Associates Inc., Agent. Request: to allow a reduction of a setback (for flagpole) to the south property line.  
General Location: North side of Linton Blvd., approximately 0.5 mile West of Sims Road. ( **Kings Point**) (Control 1978-00186)

Pages 341 - 378

Conditions of Approval Pages (353 - 353)

Project Manager: Donna Adelsperger

Size: 113.32 acres ±  
(affected area 1.00 acres ±)

BCC District: 5

MOTION: To adopt a resolution denying a Type II Zoning Varaince to allow a reduction of a setback (for flagpole) to the south property line.

**E. STATUS REPORTS**

**COMMISSIONER COMMENTS**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**ADJOURNMENT**