

buildings shall be in compliance with the ULDC and other applicable Codes.
(DRO:ZONING/BUILDING-Zoning)

AMENDMENTS TO THE REGULAR AGENDA

7. (44-68) CA-2009-0210 LaMensa Academy
(Control 2007-371)

Correct Engineering Condition 2b which merged under condition 3 to read as follows

- ~~3.b~~ 2.b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy (CO: MONITORING Eng)

Amend Landscaping Condition 1 to read as follows:

1. Prior to final approval by the Development Review Officer ~~the issuance of a building permit~~, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan including the Rural Parkway to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related and Rural Parkway conditions of approval as contained herein. (~~DROBLDG PERMIT~~: LANDSCAPE - Zoning)

Delete Landscaping Conditions 2 and 6

Delete all Planning Conditions and replace with the following:

1. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide a Rural Parkway Landscape Plan, which recreates the native habitat appropriate for the site, subject to review and approval by the Landscape and Planning Divisions, may include the following:
 - a. an overall 50' foot wide parkway with includes the 20' foot ROW buffer;
 - b. An 8 foot wide multipurpose meandering pathway;
 - c. The minimum quantities of trees and shrubs shall be consistent with Article 7. Existing native vegetation shall be incorporated into the overall calculation. These overall quantities may be adjusted prior to final approval of the landscape plan to achieve a native habitat.
 - d. a minimum of 80% native vegetation. Credit may be given native vegetation that is relocated or is part of an approved mitigation plan;
 - e. Flowering trees and/or shrubs; (DRO:LANDSCAPE/PLANNING-Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall submit a Rural Parkway Management Plan (RPMP) maintenance agreement for perpetual maintenance of the Rural Parkway subject to approval by Planning. (DRO-PLANNING-Planning)
3. Prior to recordation of a Plat or issuance of a Plat Waiver or other approval as allowed by the Subdivision Ordinance, the property owner shall submit a recorded Rural Parkway Easement and associated Title Insurance. The Easement shall include but is not limited to: an approved Rural Parkway Landscape Plan, an approved Rural Parkway Maintenance Plan. (PLAT: MONITORING-Planning)
4. The conservation easement for the Rural Parkway shall include, but not be limited to, the following items:
 - a. The Rural Parkway easement shall not include:
 - i. Walls or berms in the Rural Tier;

- ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter, benches/pedestrian gathering area, and a drinking water fountain;
- b. The Rural Parkway easement may include:
 - i. A ten (10) foot utility easement located adjacent to the right-of-way and a bus stop easement;
 - ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Rural Parkway Easement to place drainage/utilities in the developable portion of the approved site plan.
 - iii. Other drainage easements may be permitted in the Rural Parkway Easement solely for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.
 - iv. Overlap of the Rural Parkway and Embankment Easement as long as the purposes of both easements are consistent.(ONGOING:PLANNING-Planning)
- 5. Prior to June 1, 2012, should a Rural Parkway Conservation Easement not be recorded for the subject property by the property owner in a form acceptable to the County Attorney, Engineering Department, and Planning Division, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING-Planning)
- 6. The property owner shall commence construction of the Rural Parkway, consistent with the approved Landscape Plan and in accordance with the Rural Parkway Management Plan, within 30 calendar days of issuance of the building permit. (BLDG PERMIT: MONITORING-Landscape/Planning)
- 7. The Rural Parkway shall be complete and in compliance with the Rural Parkway Landscape Plan and Management Plan prior to the release of the Certificate of Occupancy (CO) subject to a final inspection by a Landscape inspector and designated Planning staff. (CO:MONITORING-Landscape/Planning)

**8. (69-122) CA-2009-0206 Jupiter Seventh Day Adventist
(Control 2009-121)**

Amend Landscaping Condition 5 and 6 to read as follows:

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINES
(FRONTING 103RD ROAD TERRACE NORTH)**

- 5. In addition to code requirements, landscaping along the ~~north and east~~ west property lines shall be upgraded to include:
 - a. All required canopy trees shall be planted at one tree for each twenty (20) linear feet of the property line; and,
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-ZONING - LANDSCAPING ALONG THE NORTH, SOUTH
AND EAST PROPERTY LINES**

- ~~6.~~ In addition to code requirements, the landscape buffer along the north, south and east property lines shall be upgraded to include: ~~a. tree height: sixteen (16) feet;~~
c. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

Amend Site Design Condition 1 to read as follows:

1. Prior to final approval by the Development Review Officer (DRO), the Site Plan dated March 23, 2009 shall be revised to ~~provide required paved parking spaces~~ indicate grass parking locations for peak demand per Article 6.A.1.D.2. (DRO: ZONING-Zoning)

Delete Use Limitations Condition 4 and renumber accordingly:

9. (123-162) *DOA-2008-2226 Villaggio Isles PUD*
(Control 2004-456)

Amend Engineering Condition 16 to read as follows:

16. Prior to issuance of the first building permit in a specific pod, the property owner shall plat ~~the entire project~~ that pod in accordance with the approved Final Subdivision Plan with Application DOA-2008-2226.



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

THURSDAY JULY 2, 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

JULY 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 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, July 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. **PDD/DOA-2008-01536** Title: an Official Zoning Map Amendment to a Planned Development District application of Boynton Beach Assocs XVII LLLP, G L Homes Of Palm Bch Assocs Ltd, Palm Beach County by Kilday & Associates Inc., Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Residential Planned Unit Development (AGR-PUD) Zoning District

Title: a Development Order Amendment application of Boynton Beach Assocs XVII LLLP, G L Homes Of Palm Bch Assocs Ltd, Palm Beach County by Kilday & Associates Inc., Agent. Request: to reconfigure Master Plan, add land area and add units

General Location: South of Boynton Beach Boulevard, West of the Florida Turnpike and East of Lyons Road (**Fogg South PUD**) (Control 2002-00069)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 529.57 acres ±

BCC District: 5

(affected area 22.22 acres ±)

Staff Recommendation: Staff recommends a sixty (60) day postponement to Thursday, September 3, 2009.

MOTION: To postpone sixty (60) days to Thursday, September 3, 2009.

- 2. **CB-2008-01517** Title: a Class B Conditional Use application of Henry Garofalo by Cotleur & Hearing Inc., Agent. Request: to allow a daycare, general

General Location: Approximately .37 miles west of Lyons Road, on the south side of West Boynton Beach Boulevard. (**Saddleranch Preschool**) (Control 2008-00256)

Pages

Project Manager: Anthony Wint

Size: 4.64 acres ±

BCC District: 5

Staff Recommendation: Staff recommends thirty (30) day postponement to Thursday August 6, 2009.

MOTION: To postpone thirty (30) days to Thursday August 6, 2009.

B. REMANDS

C. WITHDRAWALS

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

Project Manager: Andrea Harper

Size: 1.94 acres ±

BCC District: 6

(affected area 1.92 acres ±)

Staff Recommendation: Staff recommends withdrawal of application.

MOTION: None required withdrawal by right.

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

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

4. **ZV-2009-01496** Title: a Type II Variance application of City National Bank Of Florida by Florida Power & Light Company, Agent. Request: to allow an encroachment of an easement in a landscape buffer.
General Location: North of Clint Moore Road between SR7/US441 and Florida's Turnpike (**Appolonia Farms PUD**) (Control 2004-00022)

Pages 2 - 16

Conditions of Approval Pages (13 - 13)

Project Manager: Carol Glasser

Size: 1,528.75 acres ±

BCC District: 5

(affected area 2.30 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance to allow an encroachment of an easement in a landscape buffer subject to three (3) conditions of approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow an encroachment of an easement in a landscape buffer subject to conditions of approval as indicated in Exhibit C.

- 5. **ABN/Z-2009-00554** Title: a Development Order Abandonment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to legislatively abandon Resolution R-1989-338 which approved a Special Exception to Permit Public and Private Utility Services and Access Buildings and Structures for a Sewage Treatment Plant
Title: an Official Zoning Map Amendment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.
General Location: West of Hagen Ranch Road, east of the Turnpike, south of Flavor Pict Road and north of the LWDD L-30 Canal (**South Regional Water Reclamation Facility-Rezoning**) (Control 1988-00024)

Pages 17 - 25

Conditions of Approval Pages (24 - 25)

Project Manager: Donna Adelsperger

Size: 126.84 acres ±

BCC District: 5

(affected area 126.69 acres ±)

Staff Recommendation: Staff recommends approval of the Development Order Abandonment to legislatively abandon the special exception granted under Resolution R-1989-338 and approval of the Official Zoning Map Amendment subject to eleven (11) Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment to legislatively abandon the Special Exception granted under Resolution R-1989-338.

MOTION: To recommend approval of an Official Zoning Map to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District subject to the Conditions of Approval as indicated in Exhibit C and to convene a second hearing on August 27, 2009.

- 6. **ZV-2009-02165** Title: Type II Variance application of Charlie Lowe by Smiley & Associates Inc., Agent. Request: To allow reduction of the front and side setbacks, and to allow reduction in lot depth.
General Location: Northeast Southern and Pike Road. (**340 Pike Road**) (Control 2008-00249)

Pages 26 - 43

Conditions of Approval Pages (32 - 32)

Project Manager: Andrea Harper

Size: 1.09 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the three variance requests subject to four (4) condition of approval.

MOTION: To adopt a resolution approving (3) Type II Variances to allow reduction of the front and side setbacks, and to allow reduction in lot depth subject to the Conditions of Approval as indicated in Exhibit C.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 7. **CA-2009-00210** Title: a Class A Conditional Use application of Henry Taylor by Jon E Schmidt & Associates, Agent. Request: to allow a Day Care, General.
General Location: South side of Northlake Boulevard, approximately 250' East of Hall Road. **(LaMensa Academy)** (Control 2007-00371)

Pages 44 - 68

Conditions of Approval Pages (58 - 61)

Project Manager: Ora Owensby

Size: 3.74 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of a Class A Conditional Use to allow a Daycare, General subject to twenty-nine (29) Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a Daycare, General subject to the Conditions of Approval as indicated in Exhibit C.

- 8. **CA-2009-00206** Title: a Class A Conditional Use application of Conference Florida by Cotleur & Hearing Inc., Agent. Request: to allow a Place of Worship.
General Location: East side of 103rd Terrace North and south of Indiantown Road. **(Jupiter Seventh Day Adventists)** (Control 2009-00121)

Pages 69 - 122

Conditions of Approval Pages (83 - 86)

Project Manager: Anthony Wint

Size: 5.01 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to twenty-three (23) Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship, subject to Conditions of Approval as indicated in Exhibit C.

9. **DOA-2008-02226** Title: a Development Order Amendment application of Anasca Communities Llc by Anasca Communities LLC, Agent. Request: to reconfigure the master plan; modify Conditions of Approval (Architectural Review, Engineering, Landscape, Planning, Planned Unit Development); to increase number of dwelling units; to restart commencement clock and; to waive the affordability limitation restrictions.

General Location: Northwest corner of Atlantic Avenue and Hagen Ranch Road. **(Villaggio Isles PUD)** (Control 2004-00456)

Pages 123 - 162

Conditions of Approval Pages (143 - 154)

Project Manager: Anthony Wint

Size: 92.07 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to forty-nine (49) conditions of approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the master plan; modify conditions of approval (Architectural Review, Engineering, Landscape, Planning, Planned Unit Development); to increase the number of dwelling units and; to restart the commencement clock subject to the conditions of approval as indicated in Exhibit C.

10. **ZV-2009-00978** Title: a Type II Zoning Variance application of Hefaz Enterprise Inc by Jon E Schmidt & Associates, Agent. Request: to include reduction of the front and side setbacks, the required parking spaces, interior tree quantities, pervious surface area, foundation planting area, width of foundation planting area, Lake Worth ROW buffer width, interior landscape island width and compatibility buffer width and the elimination of queuing spaces, required tree in side foundation planting area, required large shrubs in the ROW buffers, required dumpster landscape screening and sign height requirement.

General Location: Northwest corner of Lake Worth Road and Pinehurst Road. **(Texaco Gas Station)** (Control 2009-01842)

Pages 163 - 181

Conditions of Approval Pages (177 - 177)

Project Manager: David McGuire

Size: 0.75 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of 16 variances subject to six (6) conditions contained in Exhibit C.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction of the front (South) and side (West) setbacks, a reduction of the required parking spaces, the elimination of the queuing spaces, a reduction of the required interior tree quantities, a reduction of the required pervious surface area, the elimination of the required tree in the side foundation planting area (South), a reduction of the foundation planting area (North), a reduction in the width of the foundation planting area width (South), a reduction of the Lake Worth ROW buffer width, a reduction to the compatibility buffer width (West), the elimination of the required large shrubs in the ROW buffers (Lake Worth and Pinehurst), a reduction to the interior landscape island width and the elimination of the required dumpster landscape screening.

D. ZONING APPLICATIONS - NEW

END OF REGULAR AGENDA

END OF REGULAR AGENDA

DIRECTOR COMMENTS

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

COMMISSIONER COMMENTS

ADJOURNMENT