



**PALM BEACH COUNTY ZONING COMMISSION  
 AMENDMENTS TO THE AGENDA  
 Thursday, June 4, 2009**

**AGENDA**

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

***WITHDRAW / REMOVE FROM AGENDA***

9.     (104-115)    *ABN/DOA-2009-01990      Square Lake Office  
 (Control 1992-059)*

***MOVE TO CONSENT AGENDA***

15.   (318-343)    *DOA-2009-00562            Glades Square  
 (Control 2000-007)*

***AMENDMENTS TO THE CONSENT AGENDA***

5.     (28-60)        *DOA-2009-00216            Pratt and Orange MUPD  
 (Control 1998-023)*

**Amend Engineering Condition 9.a to read as follows:**

9. a. No Building Permits for Parcel A the site may be issued after December 31, 2012 ~~January 1, 2011...~~

**Delete ERM Condition 1.**

**Amend Zoning – Landscaping Interior Condition 12 to read as follows:**

12. In lieu of a six (6) foot high wall to be contained within the east Type 3 incompatibility buffer, the applicant shall be permitted to provide a minimum six (6) foot high continuous opaque vegetative screening. (CO: LANDSCAPE - Zoning)

**Amend Compliance Condition 1 to read as follows:**

1. ... (ONGOING: MONITORING - Zoning) (Previous Compliance Condition 1 of Resolution R-2008-1705, Control 1998-023)

**Amend Compliance Condition 2 to read as follows:**

2. Previous Compliance Condition 2 of Resolution R-2008-1705, Control 1998-023, which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in: ...

6.     (61-81)        *DOA/R-2009-00566        Queen of Pawns  
 (1976-121)*

**Delete Engineering Condition #9.**

8. (94-103) ZV/DOA/Z-2009-00555 Water Treatment Plant #8  
(1988-057)

Amend Engineering Condition 5 to read as follows:

5. ... (DRO: ENGINEERINGMONITORING-Eng)

12. (189-265) ZV/DOA-2009-0219 Broward Motorsports of Palm  
(1987-006) Beach

Add Architectural Review Condition 1 to read as follows:

1. At time of submittal for Building permits, the architectural elevations for all proposed structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (Building Permit: ARCH REVIEW - Zoning)

Amend Use Limitations-Auto (Vehicle) Storage And Display Areas Condition 2 to read as follows:

2. ... ~~April 14, 2003~~ April 13, 2009, ...

## AMENDMENTS TO THE REGULAR AGENDA

13. (266-287) CA-2009-00206 Jupiter Seventh Day Adventists  
(Control 2009-121)

Delete Engineering Condition 2 and renumber.

Add Engineering Condition 3 to read as follows:

3. Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide a revised drainage statement to match the improvements proposed on the site plan. (DRO: ENGINEERING-Eng)

14. (288-317) DOA-2008-1672 Star Ranch Excavation Expansion  
(Control 1978-099)

Delete Engineering Condition E.4.

Modify ERM Condition 3 to read as follows:

3. ... proposed expansion area excavation exceeds...

Modify ERM Condition 6 to read as follows:

6. ... provided yearly for the expansion area of this mining operation...

Modify ERM Condition 7 to read as follows:

7. Should a waiver be approved to allow excavation beyond the permitted depth of 15 feet for the expansion area of this mining operation, then the following requirements shall apply: ...



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

**THURSDAY JUNE 4, 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/](http://www.pbcgov.com/pzb/)

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

**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**JUNE 4, 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 Monday, June 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. 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. **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 1 - 1

Project Manager: Anthony Wint

Size: 92.07 acres \_+

BCC District: 5

Staff Recommendation: Staff recommends to postpone thirty (30) days to Thursday, July 2, 2009.

**MOTION:** To postpone thirty (30) days to Thursday, July 2, 2009.

- 2. **Z/CA-2009-00210** Title: an Official Zoning Map Amendment application of Henry Taylor by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Estate (RE) District.

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 2 - 2

Project Manager: Ora Owensby

Size: 3.74 acres ±

BCC District: 6

Staff Recommendation: Staff recommends to postpone thirty (30) days to Thursday July 2, 2009.

**MOTION:** To postpone 30 days to Thursday, July 2, 2009.

- 3. **ZV-2009-00978** Title: a Type II Zoning Variance application of Hefaz Enterprise Inc by Jon E Schmidt & Associates, Agent. Request: to allow for the reduction or elimination of required setbacks, parking requirements, queuing space length, interior landscaping material, pervious surface area, foundation planting percentages, perimeter buffering width and material, interior island width, planting around signs and dumpster screening.

General Location: Northwest corner of Lake Worth Road and Pinehurst Road. **(Texaco Gas Station)** (Control 1973-00018)

Pages 3 - 3

Project Manager: David McGuire

Size: 0.75 acres ±

BCC District: 2

Staff Recommendation: Staff recommends a thirty (30) day postponement to Thursday, July 2, 2009.

**MOTION:** To postpone thirty (30) days to Thursday, July 2, 2009.

**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**

- 4. **ZV-2009-00970** Title: a Type II Variance application of Hippocrates Health Institute Of FI Inc by Miller Land Planning, Agent. Request: to allow 100% overlap of the utility easement with landscape buffers in Pod B on the north property line; to allow reduction of the required Right-of-Way buffer for the north property line in Pod B and to allow an additional one foot encroachment into rear setback.

General Location: West side of Skees Road, between Golden River Drive and Palmdale Road. ( **Hippocrates PUD Pod B**) (Control 1987-00032)

Pages 4 - 27

Conditions of Approval Pages (21 - 21)

Project Manager: Anthony Wint

Size: 30.46 acres ±

BCC District: 2

(affected area 9.01 acres ±)

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

**MOTION:** To adopt a resolution approving the requests for Type II variances to allow 100% overlap of the utility easement with landscape buffers in Pod B on the north property line; to allow reduction of the required Right-of-Way buffer for the north property line in Pod B and to allow a one foot encroachment of a roof overhang into required setback.

**D. ZONING APPLICATIONS - NEW**

- 5. **DOA-2009-00216** Title: a Development Order Amendment application of Indian Trail Improvement District by Palm Beach County, Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan, add square footage, relocate two access points, modification and deletion conditions of approval (Architectural, Building and Site Design, Lighting, Planning, and Use Limitations).

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

Pages 28 - 60

Conditions of Approval Pages (47 - 60)

Project Manager: Donna Adelsperger

Size: 22.04 acres ±

BCC District: 6

(affected area 6.66 acres ±)

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 76 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, relocate two access points and modification of four conditions of approval (Architectural, Lighting, Planning and Use Limitations) and deletion of one condition of approval (Building and Site Design) subject to the Conditions of Approval as indicated in Exhibit C.

6. **DOA/R-2009-00566** Title: a Development Order Amendment application of Rose Diamond Investments Inc by Land Research Management Inc., Agent. Request: to reconfigure the site plan.  
Title: a Requested Use application of Rose Diamond Investments Inc by Land Research Management Inc., Agent. Request: to allow a Pawnshop.  
General Location: South side of Okeechobee Boulevard, East of The Ronald Regan Turnpike entrance. **(Queen of Pawns)** (Control 1976-00121)

Pages 61 - 81

Conditions of Approval Pages (74 - 77)

Project Manager: Ora Owensby

Size: 22.27 acres ±

BCC District: 2

(affected area 1.09 acres ±)

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

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

**MOTION:** To recommend approval of a Requested Use to allow a Pawnshop.

7. **ZV-2009-00980** Title: a Type II Variance application of Nguyen Investments LLC by Jon E Schmidt & Associates, Agent. Request: to allow the elimination of the landscape buffer along the east property line; a reduction of the width and number of shrubs in the right-of-way buffer; to allow easements to encroach a landscape buffer; and a reduction of the separation requirement between Type I Restaurants.  
General Location: North side of Okeechobee Boulevard, approximately 1,200' east of West Drive. **(The Food Court)** (Control 1992-00039)

Pages 82 - 93

Conditions of Approval Pages (93 - 93)

Project Manager: Ora Owensby

Size: 1.80 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval, subject to 3 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution for a Type II Variance to allow the elimination of the landscape buffer along the east property line; a reduction of the width and number of shrubs in the right-of-way buffer; to allow easements to encroach a landscape buffer; and a reduction of the separation requirement between Type I Restaurants.



8. **ZV/DOA/Z-2009-00555** Title: a Development Order Amendment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to add land area, reconfigure the site plan and legislatively abandon the Special Exception granted under R-1989-939.

Title: an Official Zoning Map Amendment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to allow a rezoning from the Single-family Residential (RS) and the Agricultural Residential (AR) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone.

General Location: South east corner of Jog Road and The Florida's Turnpike. **(Water Treatment Plant #8)** (Control 1988-00057)

Pages 94 - 103

Conditions of Approval Pages (101 - 103)

Project Manager: Donna Adelsperger

Size: 20.12 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Amendment to add land area and to legislatively abandon the special exception granted under R-1989-939 and recommends approval of the request for an Official Zoning Map Amendment to allow a rezoning from the Single-family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone subject to 12 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to add land area, reconfigure the site plan and legislatively abandon the Special Exception granted under R-1989-939.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Single-family Residential (RS) and the Agricultural Residential (AR) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone subject to 12 Conditions of Approval as indicated in Exhibit C.

9. **ABN/DOA-2009-01990** Title: a Development Order Abandonment application of Indranie Enterprises Inc. Request: to allow a Legislative Abandonment of the medical/dental office granted under Resolution ZR-2000-013.

Title: a Development Order Amendment application of Indranie Enterprises Inc. Request: to delete Conditions of Approval.

General Location: Northeast corner of Industrial and Military Trail. **(Square Lake Office)** (Control 1992-00059)

Pages 104 - 115

Project Manager: Douglas Robinson

Size: 1.19 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of a Development Order Abandonment to abandon the daycare, general granted under Resolution ZR-2000-013.

**MOTION:** To adopt a resolution to allow a Legislative Abandonment of the medical/dental office granted under Resolution ZR-2000-013.

**MOTION:** To adopt a resolution for a Development Order Amendment to delete Conditions of Approval.

10. **ZV-2009-00973** Title: a Type II Variance application of MPC 3 LLC by McCraney Property Company, Agent. Request: to eliminate a Type 3 incompatibility buffer.  
General Location: Cleary Road South of Belvedere Road. **(MPC III Turnpike Business Park)** (Control 2002-00011)

Pages 116 - 145

Conditions of Approval Pages (131 - 132)

Project Manager: Carol Glasser

Size: 47.68 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval subject to 10 conditions of approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Type II variance to eliminate a Type 3 incompatibility buffer subject to conditions of approval.

11. **ZV-2009-00989** Title: a Type II Zoning Variance application of Aspen North Congress LLC by Ruden McClosky, Agent. Request: to allow a reduction to required parking, pervious area, landscape buffer widths and required plantings, loading dock/door screening and setback, overlap of utility easements into landscape buffers and landscaping of vehicular use areas.  
General Location: Congress Avenue, south of Okeechobee Boulevard. **(Aspen North Congress Office/Warehouse)** (Control 1990-00040)

Pages 146 - 188

Conditions of Approval Pages (161 - 161)

Project Manager: David McGuire

Size: 2.39 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval subject to 6 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution for a Type II Variance to allow a reduction to required parking, pervious area, landscape buffer widths and required plantings, loading dock/door screening and setback, overlap of utility easements into landscape buffers and landscaping of vehicular use areas subject to the Conditions of Approval.

12. **ZV/DOA-2009-00219** Title: a Type II Zoning Variance application of Broward Motorsports of Palm Beach LLC by Ruden McClosky, Agent. Request: to allow the site to exceed the build-to line; a reduction of the pervious surface area, screening of the bay doors; and an accessory use to exceed the maximum floor area.

Title: a Development Order Amendment application of Broward Motorsports of Palm Beach LLC by Ruden McClosky, Agent. Request: to re-designate land uses (auto dealership to a facility that sells/leases and services motorcycles, boats, etc), reconfigure the site plan and modify conditions of approval (Use Limitations).

General Location: Southwest corner of Okeechobee Boulevard and Congress Avenue. **(Broward Motorsports of Palm Beach)** (Control 1987-00006)

Pages 189 - 265

Conditions of Approval Pages (208 - 215)

Project Manager: David McGuire

Size: 3.87 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval subject to 48 conditions of approval as indicted in Exhibit C.

**MOTION:** To adopt a resolution approving Type II variances to allow the site to exceed the build-to line; the site to reduce the pervious surface area, the site to eliminate screening of the bay doors; and an accessory use to exceed the maximum floor area.

**MOTION:** To recommend approval of a Development Order Amendment to re-designate land uses, reconfigure the site plan and modify /delete conditions of approval (Use Limitations).

**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**

13. **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 266 - 287  
 Conditions of Approval Pages (277 - 279)  
 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 for a Class A Conditional Use to allow a place of worship subject to the Conditions of Approval.

14. **DOA-2008-01672** Title: a Development Order Amendment application of Star Ranches Enterprises Inc by Mock Roos & Associates Inc, Agent. Request: to add land area and reconfigure the site plan.  
General Location: Located on the West side of US Highway 27, approximately 18 miles South of State Road 80. **(Star Ranch Excavation Expansion)** (Control 1978-00099)

Pages 288 - 317  
 Conditions of Approval Pages (303 - 307)  
 Project Manager: Joyce Lawrence  
 Size: 1,055.60 acres ± BCC District: 6  
 (affected area 592.00 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 29 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to allow an expansion of a Type III B Excavation.

- 15. **DOA-2009-00562** Title: a Development Order Amendment application of Benchmark Glades Square Assocs Llc by Urban Design Kilday Studios, Agent. Request: to amend Conditions of Approval (Site Design, Engineering). General Location: Northeast corner of Glades Road and 95th Avenue South. **(Glades Square)** (Control 2000-00007)

Pages 318 - 343

Conditions of Approval Pages (332 - 338)

Project Manager: Andrea Harper

Size: 2.66 acres ±

BCC District: 5

(affected area 2.65 acres ±)

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

**MOTION:** To recommend approval of a Development Order Amendment to modify/delete Conditions of Approval (Site Design, Engineering), subject to the Conditions of Approval.

- 16. **ZV-2009-01486** Title: a Type II Zoning Variance application of TD Bank N.A. by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to allow a wall sign not facing a street and to allow a wall sign facing a residential zoning district to exceed the maximum allowed square footage. General Location: Northwest corner of Aquarius Boulevard and Lantana Road. **(Sherbrooke Center TD Bank)** (Control 1989-00063)

Pages 344 - 373

Conditions of Approval Pages (363 - 363)

Project Manager: Donna Adelsperger

Size: 0.96 acres ±

BCC District: 2

Staff Recommendation: Staff recommends denial of the request to allow a wall sign not facing a street and denial of the request to allow an existing wall sign facing a residential zoning district to exceed the maximum square footage.

**MOTION:** To adopt a resolution denying with prejudice a Type II Zoning Variance to allow a wall sign not facing a street and denying with prejudice to allow an existing wall sign facing a residential zoning district to exceed the maximum square footage.

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

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

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

