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

THURSDAY OCTOBER 1, 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

OCTOBER 1, 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, October 22, 2009 to take final action on the applications listed below.

NOTICE

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file.
- E. [Adoption of the Minutes](#)
- F. Swearing In - County Attorney
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 1. **ZV-2009-02685** Title: a Type II Variance application of Richard Fulcher by Land Design South Inc., Agent. Request: to allow a reduction in required parking spaces.

General Location: Approximately 0.5 miles east of the intersection of Okeechobee Blvd. and Jog Road. **(Vista Center Parcel 23 - Subparcel 5)** (Control 1984-00130)

Pages 1 - 1

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

Staff Recommendation: To postpone 30 days to November 05, 2009.

MOTION: To postpone 30 days to November 05, 2009.

- 2. **DOA-2009-02672** Title: a Development Order Amendment application of Centers Southland by Land Design South Inc., Agent. Request: to amend a Condition of Approval (Use Limitation)

General Location: Northeast corner of Jog Road and Lake Ida Road, Delray Beach, Florida. **(Spalding Property)** (Control 1999-00092)

Pages 2 - 2

Project Manager: Ora Owensby

Size: 25.82 acres ±

BCC District: 5

Staff Recommendation: To postpone 30 days to November 05, 2009.

MOTION: To postpone 30 days to November 05, 2009.

- 3. **DOA/CA-2008-01358** Title: a Development Order Amendment application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to add square footage, reconfigure site plan and to modify and delete conditions of approval

Title: a Class A Conditional Use application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to allow for the expansion of the previously approved Convenience Store with Gas Sales

General Location: Southwest corner of US 441 and Atlantic Avenue. **(Stop & Shop)** (Control 1999-00029)

Pages

Project Manager: Wendy Hernandez

Size: 5.10 acres ±

BCC District: 5

Staff Recommendation: To postpone 30 days to November 05, 2009.

MOTION: To postpone 30 days to November 5, 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/W/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 Waiver from Traditional Development District parking structures in the Agricultural Reserve Tier application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow surface parking in excess of 1 space per 250 square feet of non-residential floor area.

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 and 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 3 - 58

Conditions of Approval Pages (31 - 48)

Project Manager: Carol Glasser

Size: 88.33 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance subject to 5 Conditions of Approval as indicated in Exhibit C-1; approval of the Waiver subject to 4 Conditions of Approval as indicated in Exhibit C-2; and, approval of the Development Order Amendment subject to 78 Conditions of Approval as indicated in Exhibit C-3.

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

MOTION: None Required. (Waiver approved by the BCC)

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 and delete Conditions of Approval (Building and Site Design, Planning) subject to the Conditions of Approval as indicated in Exhibit C-3.

5. **PDD/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 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, approve the reduced cost of \$1.00 per unit, and designate the subject property as the receiving area.

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

Pages 59 - 109

Conditions of Approval Pages (94 - 101)

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 in Exhibit C-2.

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

MOTION: To recommend approval of a Requested Use to allow the Transfer of Development Rights for 89 units, to approve the reduced cost of \$1.00 per unit for the Transfer of Development Rights units and to designate the subject property as the receiving area subject to Conditions of Approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

6. **ZV/DOA/R-2009-02692** Title: a Type II Zoning Variance application of GPH Holdings LC by Ruden McClosky, Agent. Request: allow a reduction in the buffer width and shrubs, elimination of the 2-3 foot berm for the right-of-way buffers, utility easement encroachment into the buffers, elimination of the foundation plantings along Building J, reduction in the drive aisle and terminal island widths, and to exceed the distance allowed between terminal
- Title: a Development Order Amendment application of GPH Holdings LC by Ruden McClosky, Agent. Request: to reconfigure the site plan and add square footage
- Title: a Requested Use application of GPH Holdings LC by Ruden McClosky, Agent. Request: to allow a Place of Worship and Indoor Entertainment
- General Location: Northeast corner of Palmetto Park Road and Oriole Country Road (**Loggers Run Commercial**) (Control 1975-00068)

Pages 110 - 154

Conditions of Approval Pages (134 - 142)

Project Manager: Joyce Lawrence

Size: 16.56 acres ±

BCC District: 5

(affected area 12.56 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval, as indicated in Exhibit C-1, 51 Conditions of Approval, as indicated in Exhibit C-2, and 4 Conditions of Approval, as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the number of shrubs, right of way buffer width, the drive aisle width, and terminal island width; elimination of the 2-3 foot berm for the right-of-way buffers and foundation planting for Building J; encroachment greater than 5 feet of a utility easement into the buffer; and, to exceed the distance allowed between terminal islands subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and add square footage subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Requested Use to allow a Place of Worship and an Indoor Entertainment use subject to Conditions of Approval as indicated in Exhibit C-3.

7. **ZV-2009-02682** Title: a Type II Variance application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow outdoor entertainment use activities to be operated outside of an enclosed building within the Palm Beach International Airport Overlay and to eliminate a landscape barrier wall.
- General Location: Southwest corner of Belvedere Road and Cleary Road (**Fun Depot**) (Control 2002-00011)

Pages 155 - 171

Conditions of Approval Pages (165 - 165)

Project Manager: Carol Glasser

Size: 9.02 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval subject to 8 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving Type II Variances to allow outdoor entertainment use activities to be operated outside of an enclosed building within the Palm Beach International Airport Overlay and to eliminate a landscape barrier wall in the east right-of-way landscape buffer subject to the Conditions of Approval as indicated in Exhibit C.

- 8. **DOA-2009-02691** Title: a Development Order Amendment application of Mission Lakes I LLC, Mission Lakes II LLC, Mission Lakes III LLC, Mission Lakes LLC , Target Corporation by Urban Design Kilday Studios, Agent. Request: to modify a Condition of Approval (Landscaping)

General Location: Northeast corner of SR7/US441 and Lantana Road (**Mission Lakes MUPD**) (Control 2003-00007)

Pages 172 - 221

Conditions of Approval Pages (186 - 200)

Project Manager: Carol Glasser

Size: 37.85 acres ±

BCC District: 2

(affected area 3.62 acres ±)

Staff Recommendation: Staff recommends approval subject to 87 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to modify a Condition of Approval (Landscaping) subject to the Conditions of Approval as indicated in Exhibit C.

- 9. **DOA-2009-02674** Title: a Development Order Amendment application of Commons Atlantic by Atlantic Commons Associates LLLP, Agent. Request: to reconfigure the Master Plan, change unit types, allow a model row, and modify and delete Conditions of Approval (PUD and Landscape).

General Location: Northeast corner of Atlantic Avenue and Florida Turnpike (**Atlantic Commons PUD**) (Control 2004-00525)

Pages 222 - 265

Conditions of Approval Pages (241 - 253)

Project Manager: Ora Owensby

Size: 124.20 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 51 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the previously approved Master Plan, change unit types, allow a model row and delete and amend PUD and Landscape conditions of approval subject to 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**
- D. ZONING APPLICATIONS - NEW**

10. [ZV-2009-03300](#) Title: a Type II Zoning Variance application of Bethesda Healthcare System Inc by Urban Design Kilday Studios, Agent. Request: to allow the reduction of interior tree and shrub quantities; to eliminate the wall within the landscape buffer along the north and east property lines; to allow internally lit signage for building signage, and to allow Temporary Non-Residential Development Signs in excess of 32 square feet.
General Location: Northeast corner of Boynton Beach Boulevard and State Road 7. **(Bethesda West Hospital)** (Control 2006-00011)

Pages 266 - 291

Conditions of Approval Pages (286 - 286)

Project Manager: Ora Owensby

Size: 58.53 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial in part and approval in part subject to 7 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution denying a Type II Zoning Variance to allow the reduction of the Urban/Suburban Tier requirements for interior landscaping, and to allow internally lit logo signs on the east and west sides of the main entry in the AGR Tier.

AND

To adopt a resolution approving a Type II Zoning Variance to eliminate the wall within the buffer on the north and east property lines; to increase the size of the temporary non-residential signs and to allow internally lit signage for the ambulance and emergency entry signage, and the main entry wall sign in the AGR Tier subject to the Conditions of Approval as indicated in Exhibit C.

END OF REGULAR AGENDA

DIRECTOR COMMENTS

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

11. [Zoning Commission Duties/Membership memo from the Zoning Director](#)

Pages 292 - 300

MOTION:

12. [Code Amendment in 2009-02 ULDC Round - Infill Redevelopment Overlay \(IRO\) Code Revision Update](#)

Pages

MOTION:

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT

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