

County Administrator

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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING  
REVISED  
AMENDMENTS TO THE AGENDA**

July 7, 2011

**AGENDA ITEM #  
PAGE #**

**APPLICATION/CHANGE**

**AMENDMENTS**

**4. (115-135) Z-2010-2815 US Martial Arts  
(Control 2009-281)**

Amend Engineering Condition # 2 to read as follows:

2. ... ~~April~~ July 28, 2012...

Delete Engineering Condition #5 (Duplicate of # 3)

**7. (187-216) PDD/DOA/R-2011-0623 Pinewood Square  
(Control 1986-008)**

Amend Engineering Condition 13 to read as follows:

13. Within ninety (90) days of a request by the County Engineer, the Property Owner shall provide to Palm Beach County Traffic Division an easement for the construction of a traffic signal on Lantana Road at the project's central driveway. The area of the easement shall be based upon the design of the signal, shall extend within the driveway approaching Lantana Road a sufficient length to accommodate detector loops, shall be the area required to accommodate signalization so as not to encroach into paved parking areas and avoid conflicts with existing utility encroachments, shall be free of all encumbrances and encroachments which would prevent signalization, and may overlap required buffers, all as determined by the County Engineer. The Property Owner shall not record the required documents. After final acceptance of the location, legal sketches and easement documents, Palm Beach County shall record all appropriate documents. (ONGOING:MONITORING-Eng)

8. (217-274) ZV/CA-2010-0974 Military Trail commercial  
(Control 1977-190)

Amend Engineering Condition #4 to read as follows:

4. ... ~~March 31~~ July 28, 2012...

10. (311-347) PDD/R-2009-3941 Shops at Indian Trails  
(Control 2006-147)

Amend Engineering Condition #2 and 4 to read as follows:

2. Prior to the issuance of Certificates of Occupancy for more than 40,000 sf of Retail in buildings A thru C (i.e. any buildings west of the central driveway).....

4. The property owner shall construct:

a. Permits required from Palm Beach County for this the construction identified in item i above shall be obtained prior to the issuance of the first building permit for buildings A thru C (i.e. any buildings west of the central driveway). (BLDG PERMIT: MONITORING-Eng)

b. Construction identified in item i above shall be completed prior to the issuance of the first Certificate of Occupancy for buildings A thru C (i.e. any buildings west of the central driveway). (CO: MONITORING-Eng)

c. Permits required from Palm Beach County for the construction identified in items ii thru iv above shall be obtained prior to the issuance of the first building permit for buildings D thru H (i.e. any buildings east of the central driveway). (BLDG PERMIT: MONITORING-Eng)

d. Construction identified in items ii thru iv above shall be completed prior to the issuance of the first Certificate of Occupancy for buildings D thru H (i.e. any buildings east of the central driveway). (CO: MONITORING-Eng)



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

**THURSDAY JULY 7, 2011**

**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**

**JULY 7, 2011**

**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 28, 2011 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. **SV/ZV-2010-02232** Title: a Subdivision Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow a reduction in the required minimum access width.

Title: a Type II Zoning Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow for a reduction in an Incompatible Buffer width along the west property line; to allow 100 percent of the landscape material to be planted on the inside of a wall; to allow off-site signage; to allow an increase in the sign height and sign face area; to allow an off-site directional sign to be located greater than 50 feet from the point of ingress, and to allow the off-site directional sign to be attached to an existing sign.

General Location: Approximately 380 feet west of Military Trail, on the north side of Orleans Court. (**Orleans Court Industrial**) (Control 2003-00098)

Pages 1 - 31

Conditions of Approval Pages (19 - 21)

Project Manager: Donna Adelsperger

Size: 2.24 acres ±

BCC District: 6

(affected area 1.58 acres ±)

Staff Recommendation: To postpone to Thursday September 1, 2011.

**MOTION:** To postpone to Thursday September 1, 2011.

- 2. **ZV-2011-00932** Title: a Type II Zoning Variance application of Pine Trail Square Llc by Seigel Lipman Dunay Shepart & Miskel LLP, Agent. Request: to allow an increase in square footage for wall signage along the north facade and to allow signage on a facade not facing a street

General Location: Generally located on the southwest corner of Military Trail and Okeechobee Boulevard. (**Pine Trail Square**) (Control 1978-00273)

Pages 32 - 32

Project Manager: Douglas Robinson

Size: 22.26 acres ±

BCC District: 2

Staff Recommendation: To postpone to Thursday August 4, 2011.

**MOTION:** To postpone to Thursday August 4, 2011.

**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**

3. **ZV/DOA/W-2011-00419** Title: a Type II Zoning Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow alternative street cross sections for Main Street; to eliminate the limitation on free standing structures; to allow an increase in frontage for a single tenant; to allow streets without on-street parking; to allow a reduction in the number of queuing spaces: and, to allow an increase in the height of Building I.

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 square footage, modify/delete Conditions of Approval (Architecture, Landscape, Signs, Uses), and restart the Commencement of Development clock.

Title: a Waiver application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the length of the Main Street and the minimum length of a block.

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

Pages 33 - 114

Conditions of Approval Pages (80 - 98)

Project Manager: Carol Glasser

Size: 82.99 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 11 Conditions of Approval as indicated in Exhibit C-1; and, 80 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a Resolution approving a Type II Variance to allow alternative street cross sections for Main Street; to eliminate the limitation on free standing structures; to allow an increase in frontage for a single tenant; to allow streets without on-street parking; to allow a reduction in the number of queuing spaces; and, to allow an increase in the height of Building I subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan, reduce square footage, modify/delete Conditions of Approval (All Petitions, Architectural Review, Landscape, Signs, Use Limitations), and restart the Commencement of Development clock subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Waiver to allow a reduction in the length of the Main Street and the minimum length of a block.

**D. ZONING APPLICATIONS - NEW**

4. **Z-2010-02816** Title: an Official Zoning Map Amendment application of Jin Chung by Land Design South Inc., Agent. Request: to allow a rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District

General Location: South side of Lantana Road, east of Lyons Road (**US Martial Arts**) (Control 2009-00281)

Pages 115 - 135

Conditions of Approval Pages (128 - 129)

Project Manager: Carol Glasser

Size: 0.69 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 7 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

5. **Z-2011-00619** Title: an Official Zoning Map Amendment application of Westgate Belvedere Homes by HSQ Group Inc., Agent. Request: to allow a rezoning from the Multifamily Residential (RM) Zoning District to the General Commercial (CG) Zoning District

General Location: North side of Nokomis Avenue west of Seminole Boulevard (**WCRA - Prime Mixed Use**) (Control 1990-00023)

Pages 136 - 163

Conditions of Approval Pages (151 - 151)

Project Manager: Carol Glasser

Size: 0.13 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 3 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the General Commercial (CG) Zoning District subject to a Conditional Overlay Zone (COZ) and Conditions of Approval as indicated in Exhibit C.

6. **ABN/CB/DOA/CA-2010-02810** Title: a Development Order Abandonment application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to abandon R-2010-0002 that allowed a Dispatch Office  
Title: a Class B Conditional Use application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to allow a General Daycare  
Title: a Development Order Amendment application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to reconfigure the site plan, modify uses, and modify/delete Conditions of Approval (Engineering, Landscape, Signs)  
Title: a Class A Conditional Use application of Old Naples LLC by Frogner Consulting LLC, Agent. Request: to allow a Place of Worship  
General Location: East side of Military Trail approximately 485 feet south of Westgate Avenue (**1650 N. Military Building**) (Control 1980-00228)

Pages 164 - 186

Conditions of Approval Pages (179 - 181)

Project Manager: Carol Glasser

Size: 2.65 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 10 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon resolution R-2010-0002 that allowed a Dispatch Office.

**MOTION:** To adopt a Resolution approving a Class B Conditional use to allow a General Daycare.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan, modify uses, and modify/delete Conditions of Approval (Engineering, Landscape, Signs) subject to the Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Place of Worship.



- 7. **PDD/DOA/R-2011-00623** Title: an Official Zoning Map Amendment to a Planned Development District application of Woolbright Pinewood LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the General Commercial Zoning District to the Multiple Use Planned Development (MUPD) Zoning District  
Title: a Development Order Amendment application of Woolbright Pinewood LLC by Land Design South Inc., Agent. Request: to reconfigure the site plan and allow a Requested Use  
Title: a Requested Use application of Woolbright Pinewood LLC by Land Design South Inc., Agent. Request: to allow Indoor Entertainment  
General Location: Southeast corner of Lantana Road and Jog Road. **(Pinewood Square)** (Control 1986-00008)

Pages 187 - 216

Conditions of Approval Pages (202 - 208)

Project Manager: Carrie Rechenmacher

Size: 28.39 acres ±

BCC District: 3

(affected area 2.27 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 34 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of the Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment (DOA) to reconfigure the site plan and to modify the uses.

**MOTION:** To recommend approval of the Requested Use to allow an Indoor Entertainment Use.

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

- 8. [ZV/CA-2010-00974](#) Title: A Type II Concurrent Variance application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow 24 hours operation within 250 feet of a residential district  
Title: A Class A Conditional Use application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a Convenience Store with Gas Sales  
General Location: Northwest corner of Military Trail and Landar Road within 1,000 feet of Lake Worth Road (**Military Trail Commercial**) (Control 1977-00190)

Pages 217 - 274

Conditions of Approval Pages (241 - 245)

Project Manager: Joyce Lawrence

Size: 3.29 acres ±

BCC District: 2

Staff Recommendation: Staff recommends denial of both requests based on the findings in the staff report.

**MOTION:** To adopt a resolution denying a Type II Zoning Variance allowing 24 hour operation within 250 feet of a residential district.

**MOTION:** To recommend denial of a Class A Conditional Use allowing a Convenience Store with Gas Sales.

**D. ZONING APPLICATIONS - NEW**

- 9. [ZV/DOA-2011-00423](#) Title: Type II Variances application of Shadowwood Square Ltd by Jon E Schmidt & Associates, Agent. Request: to allow an increase in the number of freestanding buildings; a reduction in width and an elimination of plant materials within a portion of a right of way buffer  
Title: a Development Order Amendment application of Shadowwood Square Ltd by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan and add square footage  
General Location: Northeast corner of Glades Road and State Road 7 (**Shadowwood Square**) (Control 1973-00043)

Pages 275 - 310

Conditions of Approval Pages (296 - 302)

Project Manager: Joyce Lawrence

Size: 34.18 acres ±

BCC District: 5

(affected area 0.90 acres ±)

Staff Recommendation: Staff recommends denial of both requests based on the findings in the staff report.

**MOTION:** To adopt a resolution denying a Type II Variance to allow an increase in the number of freestanding buildings; a reduction in width and an elimination of plant materials within a portion of a right of way buffer.

**MOTION:** To recommend denial of the Development Order Amendment (DOA) to reconfigure the site plan and add square footage.

- 10. **PDD/R-2009-03941** Title: an Official Zoning Map Amendment to a Planned Development District application of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District  
Title: Requested Uses application of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant and a Convenience Store with Gas Sales and an accessory car wash  
General Location: Southwest corner of Coconut Boulevard and Northlake Boulevard. (**Shops at Indian Trails**) (Control 2006-00147)

Pages 311 - 347

Conditions of Approval Pages (330 - 337)

Project Manager: Joyce Lawrence

Size: 30.71 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 43 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of an Official Zoning Map amendment to allow the rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use to allow a Type I Restaurant and a Convenience Store with Gas Sales including an accessory car wash subject to the Conditions of Approval as indicated in Exhibit C-2.

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**