

- a. The property owner shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division prior to May 25, 2011. (DATE: MONITORING-Eng)
- b. In order to request release of the surety for the traffic signal at the above intersection, 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 the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng) (~~Previous Condition E10 of Zoning Resolution R-2011-566, Control No. 1998-078~~)

Is hereby amended to read:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the northern project driveway and Jog Road. Signalization shall be a span-wire installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

- a. The property owner shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division prior to December 31, 2011. (DATE: MONITORING-Eng)
- b. In order to request release of the surety for the traffic signal at the above intersection, 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 the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)



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

THURSDAY SEPTEMBER 1, 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/

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

AGENDA
PALM BEACH COUNTY ZONING COMMISSION

SEPTEMBER 1, 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 Monday, September 26, 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 an increase in the sign height and an increase in sign face area for an off-site sign; 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 - 1

Project Manager: Donna Adelsperger

Size: 2.24 acres ±

BCC District: 6

(affected area 1.58 acres ±)

Staff Recommendation: Staff recommends to postpone to Thursday November 3, 2011.

MOTION: To postpone to Thursday November 3, 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

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

Pages 2 - 2

Project Manager: Douglas Robinson

Size: 22.26 acres ±

BCC District: 2

Staff Recommendation: Staff recommends to postponement to Thursday October 6, 2011.

MOTION: To postpone to Thursday October 6, 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**
- D. ZONING APPLICATIONS - NEW**

3. **ZV/PDD-2011-00934** Title: a Type II Zoning Variance application of Weingarten Nostat Inc by Jon E Schmidt & Associates, Agent. Request: to allow a reduction in the required right-of-way buffer width and reduction in required plant material
Title: an Official Zoning Map Amendment to a Planned Development District application of Weingarten Nostat Inc by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District with an auto service station
General Location: Located on the southwest corner of Glades Road and Lyons Road. **(Boca Lyons Shopping Plaza)** (Control 1978-00220)

Pages 3 - 31
 Conditions of Approval Pages (20 - 22)
 Project Manager: Carrie Rechenmacher
 Size: 12.52 acres ±
 (affected area 1.39 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 3 Conditions of Approval as indicated in Exhibit C1 and 10 Conditions of Approval as indicated in Exhibit C2.

MOTION: To adopt a resolution to allow a reduction in the required right-of-way buffer width and a reduction in required plant material.

MOTION: To recommend approval of a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District with an auto service station.

4. **DOA/R-2011-00921** Title: a Development Order Amendment application of Bellino Equities Boca LLC by David L. Carpenter & Assoc., Agent. Request: to modify the site plan

Title: a Requested Use application of Bellino Equities Boca LLC by David L. Carpenter & Assoc., Agent. Request: to allow an Indoor Entertainment

General Location: South of Yamato Road at the southwest corner of Kimberly Boulevard and Lyons Road (**Hamptons at Boca Raton PUD**) (Control 1978-00005)

Pages 32 - 54

Conditions of Approval Pages (44 - 49)

Project Manager: Joyce Lawrence

Size: 12.15 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 40 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to modify the site plan subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use approval to allow an Indoor Entertainment use subject to Conditions of Approval as indicated in Exhibit C-2.

5. **Z/COZ-2010-02800** Title: an Official Zoning Map Amendment application of Suess Herta G Tr by Land Research Management Inc., Agent. Request: to rezone from Agricultural Residential (AR) Zoning District to Institutional and Public Facilities (IPF) Zoning District.

General Location: Approximately 0.1 mi. east of Seminole Pratt Whitney Road, on the North side of Southern Blvd. (**Suess Medical**) (Control 2010-00501)

Pages 55 - 75

Conditions of Approval Pages (66 - 67)

Project Manager: Douglas Robinson

Size: 4.96 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone (COZ) subject to 6 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Institutional and Public Facilities (IPF) Zoning District with a Conditional Overlay Zone (COZ) subject to Conditions of Approval as indicated in Exhibit C.

- 6. **DOA-2011-00155** Title: a Development Order Amendment application of Delray Lakes Estate Homeowners Associate by Land Design South Inc., Agent. Request: to delete a Condition of Approval (Engineering)
General Location: Southwest corner of Atlantic Ave and Floridas Turnpike (**Delray Lakes Estates**) (Control 1979-00031)

Pages 76 - 92

Conditions of Approval Pages (86 - 88)

Project Manager: Douglas Robinson

Size: 130.40 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 15 Conditions of Approval as indicated in Exhibit C.

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

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 7. **ZV/DOA/R-2011-00413** Title: a Type II Variance application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow 24 hour operation within 250 feet of a residential zoning district
Title: a Development Order Amendment application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to reconfigure the site plan, modify uses and modify Conditions of Approval (Use Limitation)
Title: a Requested Use application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow a Medical Center
General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages 93 - 132

Conditions of Approval Pages (110 - 121)

Project Manager: Joyce Lawrence

Size: 23.85 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the Type II Zoning Variance based on the findings in the staff report; and approval of the Development Order Amendment in part and denial of the request to modify Engineering Condition of Approval No. 10, subject to 64 Conditions of Approval as indicated in Exhibit C-2 and approval of the Requested Use subject to 3 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution denying a Type II Variance to allow 24 hour operation within 250 feet of a residential Zoning District.

MOTION: To recommend approval of a Development Order Amnendment to reconfigure the site plan, modify uses and modify Conditions of Approval (Use Limitation) and denial of the request to modify Engineering Condition of Approval No. 10 subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Requested Use to allow a Medical Center subject to the Conditions of Approval as indicated in Exhibit C-3.

D. ZONING APPLICATIONS - NEW

8. **ZV/PDD/R-2011-00422** Title: a Type II Variance application of Oak Leaf Park LLC by Jon E Schmidt & Associates, Agent. Request: to allow the elimination of frontage requirements and legal access on an arterial or collector street
Title: an Official Zoning Map Amendment to a Planned Development District application of Oak Leaf Park LLC by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Residential Planned Unit Development (PUD) Zoning District
Title: a Requested Use application of Oak Leaf Park LLC by Jon E Schmidt & Associates, Agent. Request: to allow a Type 3 Congregate Living Facility
General Location: Southwest corner of Melaleuca Lane and Gulfstream Road (**Gulfstream ACLF**) (Control 2007-00064)

Pages 133 - 159

Conditions of Approval Pages (151 - 153)

Project Manager: Carol Glasser

Size: 6.49 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 3 Conditions of Approval as indicated in Exhibit C-1 and 11 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving Type II Variances to allow the elimination of frontage requirements and legal access on an arterial or collector street subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Residential Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

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

9. **DOA/R-2011-00939** Title: a Development Order Amendment application of Mission Lakes II LLC, Mission Lakes I LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan and increase square footage; modify Conditions of Approval (Architectural Review, Landscape, Signs); and, re-start the Commencement of Development clock
Title: a Requested Use application of Mission Lakes II LLC, Mission Lakes I LLC by Urban Design Kilday Studios, Agent. Request: to allow a Type I Restaurant
General Location: Northeast corner of Lantana Road and SR7/US441 (**Mission Lakes MUPD**) (Control 2003-00007)

Pages 160 - 211

Conditions of Approval Pages (179 - 195)

Project Manager: Carol Glasser

Size: 37.85 acres ±

BCC District: 2

(affected area 7.24 acres ±)

Staff Recommendation: Staff recommends approval of the Development Order Amendment in part and denial of the request to modify Condition of Approval Architectural Review 4 subject to 86 Conditions of Approval as indicated in Exhibit C1; and, approval of the Requested Use subject to 4 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and increase square footage; modify Conditions of Approval (Architectural Review 1, Landscape, Signs); re-start the Commencement of Development clock; and, denial of the request to modify Condition of Approval Architectural Review 4 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 subject to the Conditions of Approval as indicated in Exhibit C-2.

10. **ZV-2011-01420** Title: a Type II Zoning Variance application of Boca Raton Associates VI LLLP by G.L. Homes, Agent. Request: to allow an increase in building coverage for one-story dwellings
General Location: East side of Lyons Road, south of West Atlantic Avenue. (**Dubois AGR-PUD**) (Control 2004-00250)

Pages 212 - 242

Conditions of Approval Pages (225 - 225)

Project Manager: Carol Glasser

Size: 722.53 acres ±

BCC District: 5

(affected area 280.80 acres ±)

Staff Recommendation: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a Type II Variance to allow an increase in building coverage for one-story dwellings.

- 11. **DOA-2011-01165** Title: a Development Order Amendment application of Siemens Group Inc by Urban Design Kilday Studios, Agent. Request: to re-designate land uses and to modify the Master Plan to add units, access points and reconfigure the recreation area

General Location: Generally located south of Camino Real; east of Powerline Road; west of Military Trail; and, north of SW 18th Street. More specifically, north and east sides of Canary Palm Drive; the east and west side of Camino Del Mar; and northwest and southwest of Palm D'Oro Drive (**Boca Del Mar PUD**) (Control 1984-00152)

Pages 243 - 424

Conditions of Approval Pages (294 - 300)

Project Manager: Wendy Hernandez

Size: 1,945.96 acres ±

BCC District: 4

(affected area 129.89 acres ±)

Staff Recommendation: Staff recommends denial of the request to re-designate land uses and to modify the Master Plan to add units, access points and reconfigure the recreation area.

MOTION: To recommend Denial of a Development Order Amendment to re-designate land uses and to modify the Master Plan to add units, access points and reconfigure the recreation area.

E. SUBDIVISION VARIANCE

DIRECTOR COMMENTS

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

COMMISSIONER COMMENTS

ADJOURNMENT