



**Add ALL PETITION Conditions 2 Exhibit C-2 (Non Residential Planned Development District) to read as follows:**

ALL PETITIONS

2. The existing hotel may continue to operate until October 1, 2012 or the issuance of a Buisness Tax Receipt of a Type III Congregate Living Facility, whichever occurs first. (DATE/ONGOING- MONITORING-Zoning)

**Add Landscape Conditions 1-6 to Exhibit C-2 (Non Residential Planned Development District) to read as follows:**

LANDSCAPE – GENERAL

1. At time of submittal for final approval by the Development Review Officer, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

2 Prior to October 4, 2012, all the required fences, gates and security system as conditioned herein shall be installed. (DATE:MONITORING- Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

3. The landscape buffer along the north property line shall be upgraded to include:  
a. A minimum twenty (20) foot wide landscape buffer strip. Buffer width may be reduced to thirteen (13) feet adjacent to the existing tennis courts, subject to an alternative buffer approval by the Board of County Commissioners;  
b. An eight (8) foot high “Anti-Climb” vinyl coated fence or concrete panel wall; and,  
c. All plant materials shall comply with the requirements for a Type III Incompatibility buffer. (DRO:LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF LAKE WORTH ROAD)

4. The landscape buffer along the south property line shall be upgraded to include:  
a. A minimum twenty (20) foot wide landscape buffer strip; except in areas where Variances are approved;  
b. Royal Palms shall be used in place of canopy trees, and installed a maximum of twenty (20) feet on center with a minimum of ten (10) foot of grey wood;  
b. a six (6) foot high metal railing fence; and,  
c. small, medium, and large shrubs shall be installed in accordance with the requirements for a Right-of-Way buffer; except in areas where Variances are approved. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF HADJES ROAD)

5. The landscape buffer along the east property line shall be upgraded to include:  
a. a minimum fifteen (15) foot wide landscape buffer strip. Compliance with this condition will not prohibit the property owner from requesting a variance or an alternative acceptable to the Zoning Director in accordance with Article 7 of the ULDC;  
b. a six (6) foot high metal railing fence with gates at each access point along Hadjes Road. Gates shall be provided with controlled access (call-box, key access pad, or card reader) to provide security for the facility; and,  
c. all plant materials shall comply with a Right-of-Way buffer. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE  
(FRONTAGE OF THE FLORIDA TURNPIKE)

6. The landscape buffer along the west property line shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip. The buffer adjacent to the existing tennis court may remain at five (5) feet in width until such time when the tennis court is removed; and,
  - b. a six (6) foot high chain link fence; and
  - c. All plant materials shall comply with the requirements for a Right-of-Way buffer. (DRO: LANDSCAPE - Zoning)

**Delete LANDSCAPE – Conditions 1- 4 of Exhibit C-3 Requested Use, as they are revised and relocated to Exhibit C-2.**



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

**THURSDAY APRIL 5, 2012**

**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**

**APRIL 5, 2012**

**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, April 26, 2012 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**

**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**

1. **DOA-2011-02905** Title: a Development Order Amendment application of William Burckart by William E. Burckart, Agent. Request: to reconfigure the Preliminary Site Plan, modify and delete Conditions of Approval (Use and Architectural Control), and expand an existing requested use.

General Location: Southwest corner of Jupiter Farms and Indiantown Road (**Jupiter Farms Community Shopping Center**) (Control 1992-00017)

Pages 1 - 42

Conditions of Approval Pages (20 - 38)

Project Manager: David McGuire

Size: 37.89 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 97 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Preliminary Site Plan, modify/delete Conditions of Approval and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

2. **CA-2011-02908** Title: a Class A Conditional Use application of Moc Thuy Nguyen by Jon E Schmidt & Associates, Agent. Request: to allow a Place of Worship

General Location: Northeast corner of Gun Club Road and Cypress Avenue (**Florida Buddhist Centers, Inc - Lotus Monastery**) (Control 1978-00204)

Pages 43 - 59

Conditions of Approval Pages (54 - 55)

Project Manager: David McGuire

Size: 1.66 acres ±

BCC District: 2

(affected area 1.52 acres ±)

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a place worship 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**

3. **PDD/R-2011-02339** Title: an Official Zoning Map Amendment to a Planned Development District application of 1310 Congress Partners LLC Lessor by David L. Carpenter & Assoc., Agent. Request: to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use application of 1310 Congress Partners LLC Lessor by David L. Carpenter & Assoc., Agent. Request: to allow a Charter School for more than 200 students.

General Location: East side of Old Congress Avenue north of Belvedere Road (**Congress Business Center MUPD**) (Control 1983-00118)

Pages 60 - 87

Conditions of Approval Pages (78 - 81)

Project Manager: Carol Glasser

Size: 4.21 acres  $\pm$

BCC District: 2

Staff Recommendation: Staff recommends approval of the rezoning subject to 13 Conditions of Approval as indicated in Exhibit C-1: and, approval of the Requested Use subject to 4 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of an 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 the Conditions of Approval in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use to allow a Charter School for more than 200 students subject to the Conditions of Approval as indicated in Exhibit C-2.

**D. ZONING APPLICATIONS - NEW**

4. **ZV-2012-00110** Title: a Type II Variance application of Shadowwood Square Ltd by Jon E Schmidt & Associates, Agent. Request: to allow an increase in square footage for a wall signage along the west facade of Building F.

General Location: Northeast corner of Glades Road and SR 7/US441 (**Shadowwood Square MUPD**) (Control 1973-00043)

Pages 88 - 106

Conditions of Approval Pages (102 - 102)

Project Manager: Donna Adelsperger

Size: 34.94 acres  $\pm$

BCC District: 5

(affected area 34.93 acres  $\pm$ )

Staff Recommendation: Staff recommends denial of the request.

**MOTION:** To adopt a resolution denying a Type II Variance to allow an increase in square footage for wall signage along the west facade of Building F.



- 5. **ZV/PDD/R/TDR-2011-02634** Title: a Type II Variance application of Behavioral Health of the Palm BeachesInc by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the right-of-way buffer for Lake Worth Road; and to eliminate the small shrubs, medium shrubs, groundcover and to allow the plantings to be planted in a linear pattern.  
Title: an Official Zoning Map Amendment to a Planned Development District application of Behavioral Health of the Palm BeachesInc by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District  
Title: a Requested Use application of Behavioral Health of the Palm BeachesInc by Urban Design Kilday Studios, Agent. Request: to allow a Type III Congregate Living Facility  
Title: Transfer of Development Rights application of Behavioral Health of the Palm BeachesInc by Urban Design Kilday Studios, Agent. Request: to allow a Transfer Development Rights (TDRs) for 18 units  
General Location: Northeast corner of Lake Worth Road and the Florida Turnpike. **(Lake Worth Road CLF)** (Control 1981-00013)

Pages 107 - 140

Conditions of Approval Pages (126 - 131)

Project Manager: David McGuire

Size: 6.06 acres ±

BCC District: 2

(affected area 6.05 acres ±)

Staff Recommendation: Staff recommends approval of Type II Zoning Variances subject to 6 Conditions of Approval as indicated in Exhibit C-1, approval of the rezoning subject to 5 Conditions of Approval as indicated in Exhibit C-2, approval of the Requested Use subject to 10 Conditions of Approval as indicated in Exhibit C-3, and approval of the Transfer of Development Rights subject to 5 Conditions of Approval as indicated in Exhibit C-4.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the right-of-way buffer for 171 feet of Lake Worth Road; and to eliminate the small shrubs, medium shrubs, groundcover and to allow to be planted in a linear pattern subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Specialized Commercial (CS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Requested Use to allow Type III Congregate Living Facility and to allow a Transfer of Development Rights (TDRs) subject to the Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To recommend approval of a Transfer of Development Rights to allow a Transfer Development Rights (TDRs) for 18 units subject to the Conditions of Approval as indicated in Exhibit C-4.

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

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