



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

THURSDAY APRIL 4, 2013

9:00 A.M.

**Vista Center, Ken Rogers 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

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

APRIL 4, 2013

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, Ken Rogers 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 25, 2013 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/CA-2012-03113** Title: a Development Order Amendment application of Wellington Preparatory School LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, add square footage, add a new use, and modify Conditions of Approval (Building and Site Design, Daycare, Use Limitation)

Title: a Class A Conditional Use application of Wellington Preparatory School LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a School, Elementary or Secondary

General Location: North side of Lake Worth Road west of Lyons Road (**Wellington Preparatory School**) (Control 1998-00012)

Pages 1 - 1

Project Manager: Carol Glasser

Size: 3.19 acres ±

BCC District: 6

Staff Recommendation: Staff recommends a postponement to May 2, 2013.

MOTION: To postpone to May 2, 2013.

- 2. **DOA/R-2012-01264** Title: a Development Order Amendment application of Reef America Reit li Corp J by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage

General Location: Southeast corner of Glades Road and SR 7 (**Festival Shoppes of Boca PCD**) (Control 1990-00024)

Pages 2 - 2

Project Manager: David McGuire

Size: 36.96 acres ±

BCC District: 5

(affected area 2.63 acres ±)

Staff Recommendation: Staff recommends a postponement to May 2, 2013.

MOTION: To postpone to May 2, 2013.

3. **ABN/SV/Z/CA-2012-03116** Title: a Development Order Abandonment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to abandon the Special Exception for an Interim Sewage Treatment Plant approved via Resolution R-1975-957

Title: a Subdivision Variance application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum legal access width

Title: an Official Zoning Map Amendment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District

Title: a Class A Conditional Use application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow an Elementary or Secondary School (Charter)

General Location: Approximately 0.3 mile north of Church Road on the east side of Limestone Creek Road (**Els Center of Excellence**) (Control 1975-00168)

Pages 3 - 3

Project Manager: Joyce Lawrence

Size: 25.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends a postponement to May 2, 2013.

MOTION: To postpone to May 2, 2013.

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**

- 4. [ABN/CA-2012-02097](#) Title: a Development Order Abandonment application of Charles Bedner by Land Design South Inc., Agent. Request: to abandon a Class A Conditional Use for a Produce Stand approved via Resolution R-2008-917
Title: a Class A Conditional Use application of Charles Bedner by Land Design South Inc., Agent. Request: to allow an Agriculture Marketplace
General Location: Southwest corner of Lee Road and SR 7/US 441 (**Bedner Oaks**) (Control 2007-00357)

Pages 4 - 23

Conditions of Approval Pages (9 - 11)

Project Manager: Joyce Lawrence

Size: 81.80 acres ±

BCC District: 5

(affected area 7.00 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 12 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution R-2008-917.

MOTION: To recommend approval of a Class A Conditional Use to allow an Agriculture Marketplace subject to the Conditions of Approval as indicated in Exhibit C.

- 5. **ZV/DOA-2012-03106** Title: a Type II Variance application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to allow an utility easement encroachment of a right-of-way buffer, to reduce the width and the number of shrubs, to eliminate the wall and to allow a 100% utility easement overlap of a type III incompatibility buffer and parking
Title: a Development Order Amendment application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add new uses and add square footage
General Location: Southwest corner of Military Trail and Champion Boulevard **(Polo Club Shoppes)** (Control 1986-00090)

Pages 24 - 57

Conditions of Approval Pages (31 - 33)

Project Manager: David McGuire

Size: 13.64 acres ±

BCC District: 5

(affected area 1.83 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance request to allow a utility easement encroachment of a ROW buffer, reduce the width and number of shrubs, eliminate the wall and allow a 100% easement overlap of a Type 3 Incompatibility buffer and parking subject to 4 Conditions of Approval as indicated in Exhibit C-1, and approval of the Development Order Amendment to reconfigure the site plan, add a new use and add square footage subject to 14 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to allow an utility easement encroachment of a right-of-way buffer, to reduce the width and the number of shrubs, to eliminate the wall and to allow a 100% utility easement overlap of a Type III Incompatibility buffer and parking 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, add a new use and add square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

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

- 6. **ZV/DOA/R-2012-00979** Title: a Type II Variance application of SE Petro One LLC by Core States Group, Agent. Request: to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, dumpster setback, and a reduction in the number of feet of queuing
Title: a Development Order Amendment application of SE Petro One LLC by Core States Group, Agent. Request: to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design)
Title: a Requested Use Request application of SE Petro One LLC by Core States Group, Agent. Request: to allow a Convenience Store with Gas Sales
General Location: South side of Glades Road east of Florida's Turnpike (**Arvida Parkway Center**) (Control 1980-00161)

Pages 58 - 108

Conditions of Approval Pages (73 - 80)

Project Manager: Carol Glasser

Size: 23.84 acres ±

BCC District: 5

(affected area 1.46 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance request to allow easement overlap in a right-of-way buffer, to allow a reduction of a right-of-way buffer width, divider median width, and dumpster setback subject to 6 Conditions of Approval indicated in Exhibit C-1. Staff recommends denial of the Type II Variance to allow reduction in the number of feet of queuing; and denial of the Development Order Amendment and Requested Use.

MOTION: To adopt a resolution approving a Type II Variance to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, and dumpster setback subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution denying a Type II Variance to allow a reduction in the number of feet of queuing.

MOTION: To recommend denial of a Development Order Amendment to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design).

MOTION: To recommend denial of a Requested Use to allow a Convenience Store with Gas Sales.

7. **ZV/Z/CA-2012-02085** Title: a Type II Variance application of Race Trac by Land Design South Inc., Agent. Request: to allow 24 hour operation within 250 feet of a residential district and to allow a reduction in the required side setback.
Title: an Official Zoning Map Amendment application of Race Trac by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District
Title: a Class A Conditional Use application of Race Trac by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales
General Location: Northwest corner of Lantana Road and Haverhill Road (**Raceway Market**) (Control 2012-00253)

Pages 109 - 165

Conditions of Approval Pages (123 - 127)

Project Manager: David McGuire

Size: 6.88 acres ±

BCC District: 2

(affected area 1.78 acres ±)

Staff Recommendation: Staff recommends denial of the Type II Variance requests for 24 hour operation and a reduction in the required side setback; and denial of the Class A Conditional Use to allow a Convenience Store with Gas Sales. Staff recommends approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overly Zone (COZ) subject to 3 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution denying a Type II Variance to allow 24 hour operation within 250 feet of a residential district and denial of a reduction in the required side setback.

MOTION: To recommend denial of the Class A Conditional Use request to allow a Convenience Store with Gas Sales.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overly Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-2.

8. **Z-2012-02793** Title: an Official Zoning Amendment application of Cory Hopkins by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District
General Location: Approximately 350 feet north of Lantana Road at the southwest corner of Nash Trail and Haverhill Road (**Rasmussen Residential**) (Control 2012-00580)

Pages 166 - 187

Conditions of Approval Pages (170 - 171)

Project Manager: David McGuire

Size: 6.88 acres ±

BCC District: 2

(affected area 5.10 acres ±)

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

MOTION: To recommends approval of an official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District subject to a Conditional Overlay Zone (COZ) and Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

9. [ZONING COMMISSION ANNUAL WORKSHOP](#)

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MOTION:

C. EXECUTIVE DIRECTOR

D. COMMISSIONERS

ADJOURNMENT