



ZONING COMMISSION
ZONING MEETING

AMENDMENTS TO THE AGENDA
JULY 3, 2013

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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CONSENT AGENDA

POSTPONEMENT

4. (4-30)	DOAR-2012-01264 (Control 1990-00024)	FESTIVAL SHOPPES OF BOCA PCD
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MOTION: To postpone to August 1, 2013

ZONING APPLICATIONS – NEW

5. (31-101)	ABN/DOAW-2012-03372 (Control 2005-00455)	HYDER AGR PUD
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AMEND ENGINEERING Conditions 3-5 and 11 of Exhibit C to read as follows:

3. Prior to issuance of a building permit...~~(BLDG PERMIT: MONITORING-Eng)~~
 a. Prior to the issuance of the first Building Permit within Hyder North, right of way required in 3.i shall be conveyed. (BLDG PERMIT: MONITORING - Eng)
 b. Prior to the issuance of the first Building Permit within Hyder South, right of way required in 9.i shall be conveyed. (BLDG PERMIT: MONITORING - Eng)

4. The Property Owner shall construct: ...
 a. ~~Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)~~ Prior to issuance of a building permit for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the property owner shall obtain permits required from Palm Beach County for construction of improvements in 4.i, 4.ii and 4.iii. (BLDG PERMIT: MONITORING-Eng)
 b. ~~Construction for these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)~~ Prior to issuance of a building permit for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the property owner shall obtain permits required from Palm Beach County for construction of improvements in 4.iv, 4.v and 4.vi. (BLDG PERMIT: MONITORING-Eng)
 c. Prior to issuance of a certificate of occupancy for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the property owner shall complete construction of improvements in 4.i, 4.ii and 4.iii. (BLDG PERMIT: MONITORING-Eng)
 d. Prior to issuance of a certificate of occupancy for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the property owner shall complete construction of improvements in 4.iv, 4.v and 4.vi. (BLDG PERMIT: MONITORING-Eng)

5. On or before July 1, 2014 the Property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff

from those segments of Lyons Road along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material.
(DATE:MONITORING-Eng)

11. Prior...this intersection at the east side of SR-7. (DRO: ENGINEERING - Eng)

DELETE LANDSCAPE Condition 1 and renumber accordingly.

AMEND LANDSCAPE Condition 6 of Exhibit C to read as follows:

6. Landscaping along the north, and northeast property lines abutting Pods A, E, J and K shall...

AMEND PLANNED UNIT DEVELOPMENT Condition 1 of Exhibit C to read as follows:

1. Prior to recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office (PLAT: CTY ATTY - Zoning)

RETAIN PREM Condition 6 of Exhibit C:

AMEND SCHOOL BOARD Condition 2 of Exhibit C to read as follows:

2. Prior to.....(CO) within the Hyder North portion of the project (lying between the LWDD L-36 and L-38 canals), the school...Occupancy (CO) within the Hyder South portion of the project (lying between the LWDD L-38 and L-39 canals), the school..... owner..... (CO: MONITORING - School Board)

6. (102-175)

DOAW-2012-03373
(Control 2004-00250)

BRIDGES AGR PUD

AMEND ENGINEERING Conditions 3, 5, 8 and 9 of Exhibit C to read as follows:

3. The property owner shall...
a. Building Permits for more than 200 dwelling units for Bridges North shall not be issued until the developer provides acceptable surety to the Traffic Division for the signal identified in 3.i. for all required installations in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING – Eng)
b. ~~In order to request release of the surety for any of the traffic signals that have not yet been constructed, 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 this 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. Building Permits for more than 200 dwelling units for Bridges South shall not be issued until the developer provides acceptable surety to the Traffic Division for the signal identified in 3.ii. for all required installations in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING – Eng)

c. In order to request release of the surety for the traffic signal identified in 3.i, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for for the portion of the development lying between the LWDD L-37 and L-38 canals (Bridges North) and requesting that a signal warrant study be conducted at this 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. (ONGOING: ENGINEERING - Eng)

d. In order to request release of the surety for the traffic signal identified in 3.ii, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the portion of the development lying between the LWDD L-38 and L-39 canals (Bridges South) and requesting that a signal warrant study be conducted at this 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. (ONGOING: ENGINEERING - Eng)

5. Previous Condition Engineering 5 of Resolution R-2012-1859, Control No. 2004-250, which currently states:

Construction...Pods G or H. (CO: MONITORING - Eng) Is hereby amended to read: Construction of any required sound walls or noise mitigation shall be completed prior to issuance of any Certificate of Occupancy within that particular pod adjacent to the Florida Turnpike. (CO:MONITORING - Eng)

8. The Property Owner shall construct:

i. Left turn lane north approach and a right turn lane south approach on Lyons Road at the north Project Entrance. ii. Left turn lane north approach and a right turn lane south approach on Lyons Road at both the south Project Entrance. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Prior to the issuance of the first Building Permit within Bridges North, permits required by Palm Beach County for the construction of the turn lanes identified in 8.i relative to the north Project Entrance shall be obtained. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]

b. Prior to the issuance of the first Building Permit within Bridges South, permits required by Palm Beach County for the construction of the turn lanes identified in 8.ii relative to the south Project Entrance shall be obtained. (BLDG PERMIT: MONITORING - Eng)

c. Construction of the turn lanes identified in 8.i above relative to Bridges North shall be completed prior to the issuance of the first Certificate of Occupancy within Bridges North. (CO: MONITORING - Eng) [Note: COMPLETED]

d. Construction of the turn lanes identified in 8.ii above relative to Bridges South shall be completed prior to the issuance of the first Certificate of Occupancy within Bridges South. (CO: MONITORING - Eng)

9. Prior to issuance of a building permit, the Property Owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of right turn lanes on Lyons Road at: i. The project's north entrance road ii. The project's south entrance road This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

a. Prior to the issuance of the first Building Permit within Bridges North, right of way required in 9.i shall be conveyed. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]



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

WEDNESDAY JULY 3, 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

JULY 3, 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 2300 N. Jog Road, West Palm Beach in the Vista Center, Ken Rogers Hearing Room, VC-1W-47, at 9:30 A.M. on Thursday, July 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. **SV/Z/CA-2012-03112** Title: a Subdivison Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a reduction in the required access width for a non-residential property
Title: an Official Zoning Map Amendment application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a rezoning from the Residential Single Family (RS) Zoning District to the Residential Transitional (RT) Zoning District
Title: a Class A Conditional Use application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Daycare
General Location: Northeast corner of Ranches Road and Jog Road (**Learning Place Academy**) (Control 1975-00145)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 1.05 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to August 1, 2013.

MOTION: To postpone to August 1, 2013.

- 2. **ZV/DOA/R-2012-00979** 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 2 - 2

Project Manager: Carol Glasser

Size: 23.84 acres ±

BCC District: 5

(affected area 1.46 acres ±)

Staff Recommendation: Staff recommends a postponement to August 1, 2013.

MOTION: To postpone to August 1, 2013.

3. **ZV/DOA-2012-01580** Title: a Type II Variance application of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to allow an increase for the build to line

Title: a Development Order Amendment application of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to reconfigure the site plan to add square footage for a car wash

General Location: Belvedere Road and 5th Street (**Hertz Rent A Car**) (Control 1986-00080)

Pages 3 - 3

Project Manager: David McGuire

Size: 6.75 acres ±

BCC District: 7

(affected area 0.12 acres ±)

Staff Recommendation: Staff recommends a postponement to August 1, 2013 for failure to post the site pursuant to Article 2.A.1.J.3.

MOTION: To postpone to August 1, 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

4. [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 4 - 30

Conditions of Approval Pages (9 - 18)

Project Manager: David McGuire

Size: 36.96 acres ±

BCC District: 5

(affected area 2.63 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 70 Conditions of Approval as indicated in Exhibit C.

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

D. ZONING APPLICATIONS - NEW

5. [ABN/DOA/W-2012-03372](#) Title: a Development Order Abandonment application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates XVII, LLLP by G.L. Homes, Agent. Request: to abandon Resolution R-2007-01873

Title: a Development Order Amendment application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates XVII, LLLP by G.L. Homes, Agent. Request: to reconfigure the Preliminary Master Plan to add land area (Development and Preserve); to reconfigure the Civic Pod; to establish access points and delete Collector Road; to increase the number of dwelling units; establish model rows; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel

Title: a Type II Waiver application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates XVII, LLLP by G.L. Homes, Agent. Request: to allow a percentage (64%) of the streets to terminate in a cul-de-sac

General Location: West of and adjacent to Lyons Road; east of and adjacent to State Road 7 between L-36 Canal and L-39 Canal (**Hyder AGR-PUD**) (Control 2005-00455)

Pages 31 - 101

Conditions of Approval Pages (39 - 57)

Project Manager: Joyce Lawrence

Size: 1,079.53 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends approval of the requests subject to 41 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 the request to abandon Resolution R-2007-01873.

MOTION: To recommend approval of the request to reconfigure the Preliminary Master Plan to add land area (Development and Preserve); to reconfigure the Civic Pod; to establish access points and delete Collector Road; to increase the number of dwelling units; establish model rows; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Type II Waiver to allow an increase in the number of streets that terminate in a cul-de-sac subject to the Conditions of Approval as indicated in Exhibit C-2.

6. [DOA/W-2012-03373](#) Title: a Development Order Amendment application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates VII, LLLP by G.L. Homes, Agent. Request: to reconfigure the Preliminary Master Plan to add land area (Development and Preserve Areas); add an access point; increase the number of dwelling units; to restart the Commencement date of the Development; add an additional model row; reconfigure the Civic Pod; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel
Title: a Type II Waiver application of Boynton Beach Associates XXIV, LLLP, Boca Raton Associates VII, LLLP by G.L. Homes, Agent. Request: to allow a percentage (58%) of the streets to terminate in a cul-de-sac
General Location: East of and adjacent to Lyons Road; west of and adjacent to the Florida Turnpike and South of Atlantic Avenue (**Bridges AGR PUD**) (Control 2004-00250)

Pages 102 - 175

Conditions of Approval Pages (110 - 120)

Project Manager: Joyce Lawrence

Size: 1,815.84 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends approval of the requests subject to 38 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 the Development Order Amendment to reconfigure the Preliminary Master Plan to add land area (Development and Preserve Areas); add an access point; increase the number of dwelling units; to restart the Commencement date of the Development; add an additional model row; reconfigure the Civic Pod; and amend the recorded Conservation Easement (ORB 18768, Page 1681) for South Florida Water Management District (SFWMD) Preserve Parcel subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Type II Waiver to allow an increase in the number of cul-de-sacs subject to Conditions of Approval as indicated in Exhibit C-2.

- 7. **ABN/DOA/R-2013-00497** Title: a Development Order Abandonment application of Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran by Urban Design Kilday Studios, Agent. Request: to abandon Resolution R-1975-463, which approved a Special Exception to allow a Motel
Title: a Development Order Amendment application of Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan
Title: a Requested Use application of Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran by Urban Design Kilday Studios, Agent. Request: to allow a Type III, Congregate Living Facility
General Location: Southwest corner of Hypoluxo Road and Seacrest Boulevard (**WellTreat at Sam's Wholesale Club Plaza**) (Control 1975-00069)

Pages 176 - 198

Conditions of Approval Pages (181 - 187)

Project Manager: David McGuire

Size: 20.47 acres ±

BCC District: 7

(affected area 1.34 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 40 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution R-1975-464.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan subject to Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type III, Congregate Living Facility.

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

- 8. [ZV/DOA/CB-2013-00502](#) Title: a Type II Zoning Variance application of Okee Property East LLC by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the side setback (west property line); reduction in the rear setback (south property line); elimination of landscape buffer (west and south property line) and reduction in foundation planting (east and west elevations)
Title: A Development Order Amendment application of Okee Property East LLC by Cotleur & Hearing Inc., Agent. Request: to allow modifications to the site plan and to add square footage
Title: a Class B Conditional Use application of Okee Property East LLC by Cotleur & Hearing Inc., Agent. Request: to allow a Daycare, General
General Location: South side of Okeechobee Boulevard and west of 195 (Okeechobee Place) (Control 1981-00094)

Pages 199 - 229

Conditions of Approval Pages (206 - 212)

Project Manager: David McGuire

Size: 1.91 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 30 Conditions of Approval as indicated in Exhibit C-2, and 3 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the side setback (west property line); reduction in the rear setback (south property line); increase wall signage; elimination of landscape buffer (west and south property line) and reduction in foundation planting (east and west elevation) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving 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 adopt a resolution approving a Class B Conditional Use to allow a Daycare, General subject to Conditions of Approval as indicated in Exhibit C-3.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

D. COMMISSIONERS

ADJOURNMENT