



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

January 6, 2011

AGENDA ITEM # PAGE # APPLICATION/CHANGE

POSTPONEMENTS (Thursday, February 24, 2011)

- | | | | |
|----|----------|-------------------------------------|-------------------------------------|
| 5. | (50-85) | DOA-2010-0982
(Control 2004-206) | 441 Atlantic PUD (aka Tivoli Isles) |
| 6. | (86-107) | Z-2010-0981
(Control 2010-176) | 441 Atlantic West |

AMENDMENTS

10. (215-222) **First Reading and Request to Advertise for Adoption Hearing –
ULDC Amendments to Art. 15 Health Regulations**

~~Adjourn~~ Recess as the Board of County Commissioners

~~Re~~ Convene as the Environmental Control Board

11. (223-233) **AI-2010-001 Administrative Inquiry on Folke Peterson Wildlife
Center**

RECOMMENDED CONDITIONS OF APPROVAL TO BE IMPOSED BY DRO

The following (DRAFT) conditions are recommended by Zoning Director to address compatibility issues and use limitation for the dog/cat adoption facility. These conditions are placed on this agenda for informational purposes only and will be finalized during the Development Review Officer’s review/approval stage of this pending application.

1. For any amendments to the previous BCC approved Development Order (Application 2001-32, Resolution 2006-276), the applicant/property owner shall limit the proposed amendments to comply with the Development Review Officer’s Approval Threshold or submit an application for a Development Order Amendment. (ONGOING: ZONING- Zoning)
2. The principal use shall remain a passive park for wildlife and bird sanctuary. A minimum of seventy (70) percent of the total acreage and building square footage shall support the passive park for wildlife and bird sanctuary while a maximum of thirty (30) percent may be utilized for the accessory use of dog/cat adoption. The principal use must be in operation on the subject property to allow the establishment of the accessory use. The County shall rescind the accessory use if the facility fails to be in compliance with the Conditions or any applicable Ordinances. (ONGOING: CODE ENF –Zoning)
3. All program activities on site, including but not limited to: public outreach, fund raising, education, and training for the principal and accessory uses shall be subject to the percentage pursuant to Condition 1, and the following restrictions:
 - a. On-site special events such as fund raising activities or adoption gatherings shall be limited to a maximum of three (3) times a year; and,
 - b. Under no circumstances shall the accessory use be allowed to hold any independent

program activities not associated with the principal use. (ONGOING: CODE ENF –Zoning)

4. The accessory use shall be subject to the following additional requirements:
 - a. A maximum of one hundred and twenty-five (125) dogs or cats shall be permitted in the facility at any one time;
 - b. All dogs/cats shall be transported to the site by staff of the facility;
 - c. The facility shall not accept direct drop off of animals from the public;
 - d. All potential adopters shall be pre-screened to verify eligibility prior to allowing any on-site visits. The prescreening of the adopters shall be pursuant to the applicant's operating procedures, which stated: "*The facility will meet and screen potential adopter's and help them select their new family pet. The adopters fill out an on-line application and make appointments prior to coming to the center. Their adopters are screened with a home visit and vet reference check before being allowed to adopt a pet*"; and,
 - e. All outdoor runs shall be mitigated through landscaping or fencing to ensure compatibility between wildlife and dogs/cats. (ONGOING: CODE ENF – Zoning)
5. All new or proposed modifications to buildings, structures, cages, or outdoor runs shall be setback a minimum of three hundred (300) feet from all residential property lines. (DRO: BUILDING/ZONING –Zoning)
6. Prior to final Development Review Officer's approval, the property owner shall submit documentation relating to Federal, State and Local licenses or operational requirements for both principal and limited accessory uses. The facility shall be subject to the following requirements:
 - a. Principal use - shall be subject to the Wildlife Rehabilitation Permit through the US Fish and Wildlife Conservation Commission. All injured and abandoned wildlife shall be restricted to Florida native species. A licensed wildlife rehabilitator shall be on staff and that Palm Beach County Animal Care and Control (PBC-ACC) may refer wildlife calls to the facility;
 - b. Accessory use- shall be subject to the PBC-ACC Ordinance; and,
 - c. A Management Plan. The purpose of the Plan is to establish and monitor the principal and accessory use operation and activities. (DRO: ACC/ZONING – Zoning)
7. A minimum of sixty (60) percentage of the dog/cat adoption shall be from PBC-ACC) in order to establish partnership with PBC - ACC and provide opportunity for local dogs/cats. The Facility owner shall prepare an annual adoption report, and shall be included in the Management Plan pursuant to Condition 6.c. (ONGOING: CODE ENF – Zoning/ACC)
8. No signage, advertising, internet websites or other form of public outreach shall indicate that dogs/cats can be brought to the facility or that any program activities, other than adoption, are open to the public. (ONGOING: CODE ENF- Zoning)
9. Any off-site signage shall be limited to what was approved under Application 2005-151. (BLDG PERMIT/DRO: BLDG/ZONING- Zoning)
10. The Zoning Director shall prepare a Monitoring report to the BCC if the site is found not in compliance with the Conditions of Approval. (ONGOING: ZONING-Zoning)

PLANNING DIRECTOR'S COMMENTS

- C. Urban Redevelopment Update on Comprehensive Plan and ULDC Amendments in 2011 Rounds.



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY JANUARY 6, 2011

9:30 A.M. 6TH FLOOR

JANE M. THOMPSON MEMORIAL CHAMBERS

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication
- D. Swearing In
- E. Adoption of Agenda

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
BOARD OF COUNTY COMMISSIONERS**

JANUARY 6, 2011

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file
- D. Swearing In - County Attorney
- E. Motion to Adopt Agenda

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. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

- 1. **CR-1984-00159-1** Status Report for Condition ENG.2 of Resolution R-2010-0678 (Control No. 1984-159) Property Owner: Christopher Doyle General Location: Southwest corner of PGA Blvd and Ellison Wilson Road Current Zoning: MUPD (**Hatties Landing**)

Pages: 1 - 3

Size: 3.73 acres ±

BCC District: 1

MOTION: to direct the Code Enforcement Division to cite the property owner for failure to comply with Condition ENG.2 of Resolution R-2010-0678.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 2. **ABN/EAC-2010-01711** Title: a Development Order Abandonment application of D Glen Alexander by Land Research Management Inc., Agent. Request: to abandon a requested use (indoor entertainment).

Title: an Expedited Application Consideration of D Glen Alexander by Land Research Management Inc., Agent. Request: to modify and delete conditions of approval.

General Location: Approximately 300 feet south of Community Drive on the west side of Military Trail. (**Coco Plum Plaza**) (Control 1984-00079)

Pages: 4 - 24

Conditions of Approval (14 - 16)

Project Manager: Douglas Robinson

Size: 4.54 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 19 Conditions of Approval contained in Exhibit C.

MOTION: To adopt a resolution approving the Development Order Abandonment to revoke the requested use and associated conditions of approval contained within Resolution R-1994-363 and Resolution R-1994-947.

MOTION: To adopt a resolution approving an Expedited Application Consideration for a modification to Conditions of Approval as indicated in Exhibit C.

- 3. **CA-2010-01721** Title: a Class A Conditional Use application of Canada Court Investments LLC by Urban Design Kilday Studios, Agent. Request: to allow a Congregate Living Facility, Type 3.

General Location: Approximately 1/3 mile south of 6th Avenue and west of Congress Avenue on the north and south side of Prince Drive (**Canada Court II**) (Control 2010-00319)

Pages: 25 - 47

Conditions of Approval (38 - 39)

Project Manager: Carol Glasser

Size: 1.48 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 7 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Congregate Living Facility, Type 3 subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

- 4. **Resolution Correcting R-2010-1766** for Application DOA/R-2010-00144 to correct Zoning Condition-PLANNED DEVELOPMENT 2 and USE LIMITATIONS 2, 3 and 4 of Exhibit C of Resolution R-2010-1776 (Congress Center/ Costco Gas) (CONTROL NO. 1995-00063)

BCC District: 4

Pages: 48 - 49

MOTION: To adopt a resolution correcting Zoning Condition-PLANNED DEVELOPMENT 2 and USE LIMITATIONS 2, 3 and 4 of Exhibit C of Resolution R-2010-1776.

G. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. [DOA-2010-00982](#) Title: a Development Order Amendment application of Atl 441 W LLC by ATL 441 W LLC, Agent. Request: to delete land area and modify Condition of Approval (Planning)
General Location: north of W. Atlantic Ave. between Smith Sundry Road and SR7/US441 (441-Atlantic PUD (aka Tivoli Isles)) (Control 2004-00206)

Pages: 50 - 85

Conditions of Approval (65 - 74)

Project Manager: Carol Glasser

Size: 330.60 acres \pm

BCC District: 5

(affected area 103.90 acres \pm)

DISCLOSURE

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

Zoning Commission Recommendation: Denied 9-0

MOTION: To adopt a resolution approving a Development Order Amendment to delete land area and modify Condition of Approval (Planning) subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To approve the Partial Release of Easement as indicated in Exhibit E.

6. **Z-2010-00981** Title: an Official Zoning Map Amendment application of Atl 441 W LLC by ATL 441 W LLC, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR/PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District.

General Location: northwest corner of W. Atlantic Ave. and SR7/US441 (**Atlantic 441 West**) (Control 2010-00176)

Pages: 86 - 107

Conditions of Approval (101 - 101)

Project Manager: Carol Glasser

Size: 5.00 acres \pm

BCC District: 5

DISCLOSURE

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

Zoning Commission Recommendation: Denied 9-0

MOTION: To adopt a resolution approving a rezoning from the Agricultural Reserve Planned Unit Development Zoning District (AGR-PUD) to the Agricultural Reserve (AGR) Zoning District with a Conditional Overlay Zone subject to the Conditions of Approval in Exhibit C.

7. **DOA-2010-00143** Title: a Development Order Amendment application of Boynton Hagen LLC - Ram Realty Assoc by Land Design South Inc., Agent. Request: to modify the site plan and add square footage.

General Location: Northwest corner of Boynton Beach Boulevard and Hagen Ranch Road. (**Hagen Ranch/Boynton Beach MUPD**) (Control 2006-00520)

Pages: 108 - 137

Conditions of Approval (127 - 132)

Project Manager: Joyce Lawrence

Size: 3.70 acres \pm

BCC District: 5

(affected area 3.63 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 29 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the site plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

I. ZONING APPLICATIONS - NEW

8. **CA-2010-00650** Title: a Class A Conditional Use application of Acreage SDA Fellowship Inc by Land Research Management Inc., Agent. Request: to allow a place of worship

General Location: Northwest corner of Orange Boulevard and Apache Boulevard
(Acreage SDA Fellowship) (Control 2010-00114)

Pages: 138 - 160

Conditions of Approval (152 - 154)

Project Manager: Joyce Lawrence

Size: 2.90 acres \pm

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of a Class A Conditional Use for a Place of Worship subject to 25 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval, as amended: 7-0

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C.

J. ULDC AMENDMENTS

9. **TITLE: FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING - UNIFIED LAND DEVELOPMENT CODE (ULDC) - AMENDMENT ROUND 2010-02**

Staff Recommendation: Staff recommends a motion to approve on First Reading and advertise for Adoption on January 27, 2011 at 9:30 a.m.

Pages: 161 - 214

MOTION: To approve on First Reading and advertise for Adoption on January 27, 2011 at 9:30 A.M.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS; CHAPTER E, PRIOR APPROVALS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS, WHICH INCLUDES AN EXTENSION TO THE MORATORIUM UPON ACCEPTANCE OF ZONING APPLICATIONS AND REQUESTS FOR ZONING APPROVAL FOR PAIN MANAGEMENT CLINICS; ARTICLE 5- SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER D, PARKS & RECREATION - RULES AND RECREATION STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6- PARKING; CHAPTER A, PARKING; ARTICLE 7- LANDSCAPING; CHAPTER C, MGTS TIER COMPLIANCE; ARTICLE 11- SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS; CHAPTER A, GENERAL REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; CHAPTER F, VARIANCES; ARTICLE 12- TRAFFIC PERFORMANCE STANDARDS; CHAPTER H, CONSTRAINED FACILITIES; ARTICLE 14- ENVIRONMENTAL STANDARDS; CHAPTER A, SEA TURTLE PROTECTION AND SAND PRESERVATION; ARTICLE 17- DECISION MAKING BODIES; CHAPTER C, APPOINTED BODIES; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

10. ADJOURN AS THE BOARD OF COUNTY COMMISSIONERS

RECONVENE AS THE ENVIRONMENTAL CONTROL BOARD

TITLE: FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING - UNIFIED LAND DEVELOPMENT CODE (ULDC) - AMENDMENTS TO ART. 15, HEALTH REGULATIONS

Staff Recommendation: Staff recommends a motion to approve on First Reading and advertise for Adoption on January 27, 2011 at 9:30 a.m.

Pages: 215 - 222

MOTION: To approve on First Reading and advertise for Adoption on January 27, 2011 at 9:30 A.M.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-068, AS AMENDED, AS FOLLOWS: ARTICLE 15- HEALTH REGULATIONS; CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); CHAPTER B, (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

11. [AI-2010-001](#) Administrative Inquiry on Folke Peterson Wildlife Center

Pages: 223 - 233

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT