



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
JANUARY 3, 2013**

AGENDA ITEM #
(PAGE #)

APPLICATION/CHANGE

POSTPONEMENTS/REMANDS/WITHDRAWALS

CONSENT AGENDA

REGULAR AGENDA

AMENDMENTS AND ADDITIONS

9. (264-265) **ZV/CA -2012-01258** **SOUTH GARDENS DONUTS**
(Control 1985-00027)

Amend ENGINEERING - Conditions 1-2 of Exhibit C-2 to read as follows:

1. The Property Owner shall relocate the project driveway to within 25 feet of the western property line to align with the existing onsite drive aisle and ~~shall construct an east approach right turn lane with the length, taper and driveway location as approved by the County Engineer but such that no right of way acquisition from adjacent parcels is required.~~ Any and all costs associated with this construction shall be paid by the Property Owner and shall include, but are not limited to, any required utility relocations.
 - a. The Property Owner shall revise the site plan to show the driveway relocation, conceptual layout of the turn lane described in Condition E4 and any necessary right of way conveyance from the subject property prior to final DRO approval. (DRO: ENGINEERING-Eng)
 - b. Construction of the required improvements shall be completed prior to issuance of a Certificate of Completion for the drive thru window. (CC: MONITORING-Eng)
2. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer to allow for construction of the right turn lane required in Condition E4 ~~E4~~. All right of way deed(s) and associated documents shall be provided and approved ~~prior to the issuance of the first Certificate of Completion or~~ within ninety (90) days of a request by the County Engineer, ~~whichever shall occur first~~. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up.

Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (~~CC~~/ONGOING: MONITORING-Eng)

ADD Engineering Condition 4 to Exhibit C-2 to read as follows:

4. The drive through queue shall be monitored for a period of one hundred eighty (180) days after issuance of the drive through Certificate of Completion. If during this period queues extend offsite, within one hundred eighty (180) days of notice by the Engineering Department, the property owner shall design, permit and construct an east approach turn lane with the length, taper and driveway location as approved by the County Engineer but such that no right of way acquisition from adjacent parcels is required. (ONGOING: ENGINEERING – Eng)



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY JANUARY 3, 2013

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 3, 2013

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

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

1. **EAC/TDR-2012-00974** Title: an Expedited Application Consideration Request application of Town Commons Acquisition LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master and Site Plans, to modify the Conditions of Approval (Transfer of Development Rights) and to abandon the Master Declaration of Restrictive Covenants for Workforce Housing
Title: a Transfer of Development Rights of Town Commons Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow Transfer Development Rights (TDRs)
General Location: Approximately 685 feet north of Hypoluxo road on the east side of Lyons Road (**Town Commons PUD**) (Control 2004-00247)

Pages: 1 - 26

Conditions of Approval (6 - 17)

Project Manager: David McGuire

Size: 21.43 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 46 Conditions of Approval as indicated in Exhibit C-1 and 7 in C-2.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master and Site Plans, to modify the Conditions of Approval (Transfer of Development Rights) and to abandon the Master Declaration of Restrictive Covenants for Workforce Housing.

MOTION: To adopt a resolution approving a modification to the Conditions of Approval for Transfer Development Rights (TDRs).

2. **DOA-2012-01840** Title: a Development Order Amendment application of JP Morgan Chase by Siegel Lipman Dunay Shepard & Miskel LLP, Agent. Request: to modify a Condition of Approval (Signage)
General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages: 27 - 62

Conditions of Approval (40 - 51)

Project Manager: Carrie Rechenmacher

Size: 23.88 acres ±

BCC District: 5

(affected area 1.33 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 73 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 6-0

MOTION: To adopt a resolution approving a Development Order Amendment to modify a Condition of Approval (Signage) subject to Conditions of Approval as indicated in Exhibit C.

3. **DOA-2012-01841** Title: a Development Order Amendment application of Gerald Barbarito by Colome & Associates Inc, Agent. Request: to reconfigure site plan and add square footage

General Location: Approximately 1,875 feet east of Jog Road on the south side of Hypoluxo Road (**St Matthew Catholic Church**) (Control 1996-00120)

Pages: 63 - 86

Conditions of Approval (76 - 82)

Project Manager: David McGuire

Size: 13.19 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 38 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 6-0

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

4. **ZV/DOA/R-2012-01839** Title: a Development Order Amendment application of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the site plan, add square footage, and delete a Condition of Approval (Signs)

Title: a Requested Use of BHC Holdings LL LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Medical Center

General Location: South of Boynton Beach Boulevard on the southwest corner of Hagen Ranch Road and Venture Center Way (**Bethesda Health Care MUPD**) (Control 1993-00035)

Pages: 87 - 117

Conditions of Approval (107 - 112)

Project Manager: Carol Glasser

Size: 39.58 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 28 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved 6-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan, add square footage, and delete a Condition of Approval (Signs) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow a Medical Center.

5. **DOA-2012-00116** Title: a Development Order Amendment application of Anasca Acquisition LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master and Subdivision Plans and to amend Conditions of Approval (Arch Review, Engineering, Planning, PUD, School Board).

General Location: Northwest corner of Hagen Ranch Road and Atlantic Ave. (**Villaggio Isles PUD**) (Control 2004-00456)

Pages: 118 - 159

Conditions of Approval (140 - 152)

Project Manager: David McGuire

Size: 92.07 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 43 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master and Subdivision Plans and to modify and delete Conditions of Approval (Arch Review, Engineering, Planning, PUD, and School Board) subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

H. OTHER ITEMS

6. CORRECTIVE PARTIAL RELEASE OF CONSERVATION EASEMENT

Pages: 160 - 169

MOTION: To approve Corrective Partial Release of Conservation Easement recorded in Official Record Book 25242, Page 1163 of the Public Records of Palm Beach County, Florida.

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

7. **SCA-2012-00009** Title: Hypoluxo Shoppes, Small Scale Land Use Amendment application of MBSA 3 LLC by Land Design South Inc., Agent. Request: Commercial Low with an underlying Low Residential 3 units per acre (CL-3) to Commercial High (CH)
General Location: Northeast corner of Hypoluxo Road and High Ridge Road (**Hypoluxo Shoppes**) (Control 2008-00243)

Pages: 170 - 213

Project Manager: Bryce Van Horn

Size: 4.32 acres \pm

BCC District: 3

(affected area 4.20 acres \pm)

Staff Recommendation: Approval of the proposed amendment from Commercial Low with underlying Low Residential, 3 units per acre (CL/3) to Commercial High (CH)

Planning Commission Recommendation: Approval 6-2

MOTION: To adopt an ordinance approving the proposed amendment from Commercial Low with underlying Low Residential, 3 units per acre (CL/3) to Commercial High (CH)

8. **ZV/DOA/R-2012-01256** Title: a Development Order Amendment application of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to reconfigure the Site Plan, reduce square footage and to restart the commencement clock

Title: a Requested Use of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow a Convenience Store with Gas Sales and a Type I Restaurant

General Location: Northeast corner of Hypoluxo Road and High Ridge Road (**Hypoluxo Shoppes**) (Control 2008-00243)

Pages: 214 - 249

Conditions of Approval (233 - 240)

Project Manager: Joyce Lawrence

Size: 4.20 acres ±

BCC District: 3

DISCLOSURE

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 28 Conditions of Approval as indicated in Exhibit C-2 and approval of the Requested Use subject to 5 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approved as amended 8-0

MOTION: To adopt a resolution approving of a Development Order Amendment to reconfigure the Site Plan, add square footage and to re-start the time of commencement subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving the Requested Uses to allow a Type I Restaurant and a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-3.

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 9. **ZV/CA-2012-01258** Title: a Class A Conditional Use application of Rocker Real Estate Inc by Land Design South Inc., Agent. Request: to allow a Type I Restaurant

General Location: Approximately 800 feet east of Congress Avenue on the north side of Northlake Boulevard (**South Gardens Donuts**) (Control 1985-00027)

Pages: 250 - 269

Conditions of Approval (264 - 265)

Project Manager: Carol Glasser

Size: 0.60 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the Class A Conditional Use subject to 9 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Type I Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2.

I. ZONING APPLICATIONS - NEW

J. ULDC AMENDMENTS

- 10. **TITLE: FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2012-02**

Staff Recommendation: Staff recommends a motion to approve on First Reading and advertise for an Adoption Hearing on January 24, 2013.

Pages: 270 - 312

MOTION: To approve on First Reading and advertise for an Adoption Hearing on January 24, 2013: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067 AS AMENDED, AS FOLLOWS: ARTICLE 1- DEFINITIONS AND ACRONYMS; CHAPTER H, LOT OF RECORD; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); 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; CHAPTER D, EXCAVATION; ARTICLE 5 - SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER F, LEGAL DOCUMENTS; CHAPTER H, MASS TRANSIT STANDARDS; ARTICLE 6- PARKING; CHAPTER A, PARKING; ARTICLE 11- SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; ARTICLE 14- ENVIRONMENTAL STANDARDS; CHAPTER B, WELLFIELD PROTECTION; APPENDIX 4, ORGANIC PRIORITY POLLUTANTS; APPENDIX 5, MINIMUM STANDARDS FOR SEWER PIPE FITTINGS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

11. TITLE: PRELIMINARY READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS TO ARTICLE 13, IMPACT FEES

Staff Recommendation: Staff recommends a motion to approve on preliminary reading and advertise for Public Hearing on January 24, 2013.

Pages: 313 - 338

MOTION: To approve on preliminary reading and advertise for Public Hearing on January 24, 2013: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-70, AS AMENDED, BY AMENDING ARTICLE 13, CONCERNING COUNTYWIDE IMPACT FEE AMOUNTS, AS FOLLOWS: CHAPTER B, COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE; CHAPTER C, FIRE-RESCUE IMPACT FEE; CHAPTER D, LIBRARY IMPACT FEE; CHAPTER E, LAW ENFORCEMENT IMPACT FEE; CHAPTER F, PUBLIC BUILDINGS IMPACT FEE; CHAPTER G, SCHOOL IMPACT FEE; CHAPTER H, ROAD IMPACT FEE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

12. RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

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

Staff Recommendation: Staff recommends a motion to approve on First Reading and advertise for an Adoption Hearing on January 24, 2013.

Pages: 339 - 344

MOTION: To approve on First Reading and advertise for an Adoption Hearing on January 24, 2012: 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, (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; 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

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

13. [Postponement of Mural Discussion](#)

Pages: 345 - 345

COMMISSIONER COMMENTS

ADJOURNMENT