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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING**

**THURSDAY AUGUST 27, 2009**

**9:30 A.M. 6<sup>TH</sup> 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/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*

**AGENDA  
PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AUGUST 27, 2009**

**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**

- 1. **PDD/TDR-2008-01907** Title: an Official Zoning Map Amendment to a Planned Development District application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Transfer of Development Rights of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow the Transfer of Development Rights for 89 units, designate the subject property as the receiving area, and approve the reduced cost of \$1.00 per unit.

General Location: Approximately 1000 feet north of Hypoluxo Road, on the east side of Military Trail. **(Southern Trails PUD)** (Control 2003-00501)

Pages:

Project Manager: Ora Owensby

Size: 21.80 acres ±

BCC District: 3

Staff Recommendation: To postpone 30 days to September 29, 2009.

**MOTION:** To postpone 30 days to September 29, 2009.

- 2. **ZV/DOA-2008-01900** Title: a Type II Zoning Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to eliminate the percentage of transparency for the building design of Building I (Theater and Bowling Alley).

Title: a Development Order Amendment of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify/delete Conditions of Approval (Building and Site Design, Planning).

General Location: Northwest corner of West Atlantic Avenue and future Lyons Road. **(Delray Marketplace)** (Control 2004-00616)

Pages:

Project Manager: Carol Glasser

Size: 88.33 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: To postpone 30 days to September 29, 2009.

**MOTION:** To postpone 30 days to September 29, 2009.

- 3. **DOA-2009-00567** Title: a Development Order Amendment application of Palm Beach Baptist Church Inc by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan, add square footage, amend the number of students, and modify a condition of approval (Use Limitation).

General Location: West side of Military Trail approximately 1,000 feet south of Lantana Road. (**Montessori Academy**) (Control 1973-00216)

Pages:

Project Manager: Anthony Wint

Size: 13.58 acres ±

BCC District: 3

Staff Recommendation: To postpone 30 days to September 29, 2009.

**MOTION:** To postpone 30 days to September 29, 2009.

- 4. **ABN/DOA/EAC-2008-01892** Title: a Development Order Abandonment application of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to abandon the daycare, general granted under Resolution R-2005-0379

Title: a Development Order Amendment of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to amend Preliminary Master Plan.

General Location: Approximately .5 miles east of the intersection of Okeechobee Blvd. and Jog Road. (**Vista Center Parcel 23 - Subparcel 5**) (Control 1984-00130)

Pages: 1 - 1

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

Staff Recommendation: To postpone 30 days to September 29, 2009.

**MOTION:** To postpone 30 days to September 29, 2009.

**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**

- 5. **CA/CB-2008-01517** Title: a Class A Conditional Use application of Henry Garofalo by Cotleur & Hearing Inc., Agent. Request: to allow a School, Elementary or Secondary (private).

General Location: Approximately 0.37 miles west of Lyons Road, on the south side of West Boynton Beach Boulevard. **(Saddle Ranch Pre-School)** (Control 1996-00124)

Pages: 2 - 24

Conditions of Approval (17 - 20)

Project Manager: Ronald Sullivan

Size: 4.43 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 25 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 5-2

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a School, Elementary or Secondary (private) subject to Conditions of Approval as indicated in Exhibit C.

**E. ZONING APPLICATIONS - NEW**

- 6. **ABN/Z-2009-00554** Title: a Development Order Abandonment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to legislatively abandon Resolution R-1989-338 which approved a Special Exception to Permit Public and Private Utility Services and Access Buildings and Structures for a Sewage Treatment Plant.

Title: an Official Zoning Map Amendment of Palm Beach County by JPR Planning Services Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.

General Location: West of Hagen Ranch Road, east of the Turnpike, south of Flavor Pict Road and north of the LWDD L-30 Canal. **(South Regional Water Reclamation Facility-Rezoning)** (Control 1988-00024)

Pages: 25 - 35

Conditions of Approval (34 - 35)

Project Manager: Donna Adelsperger

Size: 126.84 acres ±

BCC District: 5

(affected area 126.69 acres ±)

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

Zoning Commission Recommendation: Approval 6-0

**MOTION:** To adopt a resolution approving a Development Order Abandonment to legislatively abandon the Special Exception granted under Resolution R-1989-338.

**MOTION:** To adopt a resolution approving an Official Zoning Map to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

7. **DOA/CA-2009-00981** Title: a Development Order Amendment application of Nguyen Investments LLC by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan and delete square footage.  
Title: a Class A Conditional Use of Nguyen Investments LLC by Jon E Schmidt & Associates, Agent. Request: to allow a Type I Restaurant.  
General Location: North side of Okeechobee Boulevard, approximately 1,200 feet east of West Drive. **(The Food Court)** (Control 1992-00039)

Pages: 36 - 61

Conditions of Approval (49 - 53)

Project Manager: Ora Owensby

Size: 1.80 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval as indicated in Exhibit C-1 and 17 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approval: 7-0

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the site plan and delete square footage subject to the Conditions of Approval as indicated in Exhibit C-1.

**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.

8. **DOA-2009-00996** Title: a Development Order Amendment application of Faith United Methodist Church by Faith United Methodist Church, Agent. Request: to allow an increase in the number of children for the Daycare, an increase in the Daycare square footage and a decrease in the Church square footage, reconfigure the site plan, and modify a Condition of Approval (Daycare).

General Location: South side of Boynton Beach Boulevard, approximately 720 feet east of Jog Road. **(Faith United Methodist Church)** (Control 1991-00042)

Pages: 62 - 81

Conditions of Approval (74 - 79)

Project Manager: Carol Glasser

Size: 9.78 acres ±

BCC District: 5

(affected area 2.12 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 26 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 allow an increase in the number of children for the Daycare, an increase in the Daycare square footage, reconfigure the site plan, and modify a Condition of Approval (Daycare) subject to the Conditions of Approval as indicated in Exhibit C.



9. **Z/DOA-2009-01524** Title: an Official Zoning Map Amendment application of Indian Trail Improvement District by Wayne Villavaso Landscape Architecture Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.

Title: a Development Order Amendment of Indian Trail Improvement District by Wayne Villavaso Landscape Architecture Inc., Agent. Request: to add land area (2.59 acres) to Hamlin Equestrian Park.

General Location: Approximately 660 feet east of Hall Boulevard, on the south side of Hamlin Boulevard. (**Hamlin Equestrian Park**) (Control 1997-00058)

Pages: 82 - 96

Conditions of Approval (94 - 96)

Project Manager: Anthony Wint

Size: 9.57 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment with a Conditional Overlay Zone and the Development Order Amendment, subject to 18 Conditions of Approval as indicated in Exhibit C.

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

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Development Order Amendment to add land area to Hamlin Equestrian Park.

10. **ZV/CA/W-2009-00221** Title: a Conditional Use Class A application of Thoonthawai Thuaprakhon, Agent. Request: to allow a Place of Worship.

Title: a Unique Structure of Thoonthawai Thuaprakhon, Agent. Request: to allow deviation of the Architectural Guidelines.

General Location: Southwest corner of Royal Palm Beach Boulevard and 47th Road North. (**Wat Mahabhatujetiyaram**) (Control 2000-00076)

Pages: 97 - 146

Conditions of Approval (115 - 119)

Project Manager: Monica Cantor

Size: 2.50 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 15 Conditions of Approval as indicated in Exhibit C-2, and 3 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approval: 7-0

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a Place of Worship subject to Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a waiver to allow deviation of the Architectural Guidelines subject to Conditions of Approval as indicated in Exhibit C-3.

11. **DOA/EAC-2009-01493** Title: a Development Order Amendment application of Temple Torah Of West Palm Beach Inc by Cotleur & Hearing Inc., Agent. Request: to amend a Condition of Approval (Use Limitation). General Location: Northeast corner of Jog Road and Gateway Boulevard. **(Temple Torah)** (Control 1980-00153)

Pages: 147 - 163

Conditions of Approval (159 - 159)

Project Manager: Joyce Lawrence

Size: 6.72 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Development Order Amendment to amend a Condition of Approval (Use Limitation), subject to Conditions of Approval as indicated in Exhibit C.

**F. CORRECTIVE RESOLUTIONS**

**G. TDR CONTRACT AMENDMENTS**

**H. TDR CONTRACT, ESCROW AGREEMENT AND DEED**

**I. 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**

12. **CR-1991-00032-1** Status Report for Resolutions R-92-950, and R-95-010. Property Owner: Robert L. Howard Jr. & Helen Howard, Steven K. Howard, and Autumn E. Brown & Ashley N. Holmes. General Location: Southwest corner of the intersection of 172nd Street North and 94th Terrace North. Current Zoning: Specialized Agriculture (SA) (**Country Mulch (1991-032)**)

Pages: 164 - 169

Size: 15.20 acres ±

BCC District: 1

**DISCLOSURE**

**MOTION:** To adopt a resolution to revoke the Special Exception approved by Resolution No. R-92-950 and Resolution No. R-95-010.

**F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**

13. **SCA-2009-00029** Title: NORTHLAKE / OSPREY ISLES CLF application of Four Jr Corporation by Land Research Management Inc., Agent. Request: From Commercial Low Office with an underlying 1 dwelling unit per acre (CL-O/1) to Commercial Low Office with an underlying 8 dwelling units per acre (CL-O/8).

General Location: Northwest corner of Northlake Boulevard and Memorial Park Road. (**Northlake/Osprey Isles CLF**) (Control 2005-00599)

Pages: 170 - 187

Project Manager: David Wiloch

Size: 9.89 acres  $\pm$

Staff Recommendation: Approval of the proposed amendment from CL-O/1 to CL-O/8 with conditions limiting the subject property to develop as a CLF. If developed residentially, other than as a CLF, the density shall be limited to LR-1. If developed utilizing the CL-0 land use, the subject site shall be limited to a Maximum 75,000 sq ft of Self -Storage and a maximum 75,000 sq ft of Office and/or Work/Live or Residential Units.

Planning Commission Recommendation: Approval 12-0.

**MOTION:** To adopt an ordinance approving the proposed amendment from CL-O/1 to CL-O/8 with conditions limiting the subject property to develop as a CLF. If developed residentially, other than as a CLF, the density shall be limited to LR-1. If developed utilizing the CL-0 land use, the subject site shall be limited to a Maximum 75,000 sq ft of Self -Storage and a maximum 75,000 sq ft of Office and/or Work/Live or Residential Units.

14. **DOA/R-2009-00565** Title: a Development Order Amendment application of Four Jr Corporation by Land Research Management Inc., Agent. Request: to reconfigure the site plan and redesignate land uses.

Title: a Requested Use of Four Jr Corporation by Land Research Management Inc., Agent. Request: to allow a Congregate Living Facility Type III.

General Location: North side of Northlake Boulevard, approximately 4 miles west of Beeline Highway (SR710). (**Northlake CLF**) (Control 2005-00599)

Pages: 188 - 213

Conditions of Approval (203 - 208)

Project Manager: Anthony Wint

Size: 9.88 acres  $\pm$

BCC District: 1

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the requests subject to 32 Conditions of Approval as indicated in Exhibit C.

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

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the site plan and redesignate land uses subject to Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Requested Use to allow a Type III Congregate Living Facility.

**G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION**

**H. PREVIOUSLY POSTPONED ZONING APPLICATIONS****I. ZONING APPLICATIONS - NEW**

15. [CA-2009-00979](#) Title: a Class A Conditional Use application of Hefaz Enterprise Inc by Jon E Schmidt & Associates, Agent. Request: to allow a Convenience Store with Gas Sales and an Accessory Car Wash.  
General Location: Northwest corner of Lake Worth Road and Pinehurst Drive.  
**(Texaco Gas Station)** (Control 2009-01842)

Pages: 214 - 241

Conditions of Approval (234 - 237)

Project Manager: David McGuire

Size: 0.75 acres ±

BCC District: 2

**DISCLOSURE**

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

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

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a Convenience Store with gas sales (12 fueling positions) including an accessory Car Wash subject to the Conditions of Approval as indicated in Exhibit C.

**J. ULDC AMENDMENTS**

16. [Request for Permission to Advertise: Unified Land Development Code \(ULDC\) Amendment Round 2009-01](#)

Staff recommends a motion to approve on preliminary reading and to advertise for First Reading on September 29, 2009 at 9:30 a.m.

Pages: 242 - 368

**MOTION:** To approve on preliminary reading and to advertise for First Reading on September 29, 2009 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 C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER G, EMINENT DOMAIN, CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2 □ DEVELOPMENT REVIEW PROCESS; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCEDURES; CHAPTER C, FUTURE LAND USE PLAN AMENDMENTS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER E, MONITORING; CHAPTER F, CONCURRENCY (ADEQUATE PUBLIC FACILITIES STANDARDS); ARTICLE 3 □ OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS; ARTICLE 4 □ USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMERCIAL COMMUNICATION TOWER; ARTICLE 5, SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6 □ PARKING; CHAPTER A, PARKING; ARTICLE 7 □ LANDSCAPING; CHAPTER A, GENERAL; CHAPTER B, TYPES OF PLANS; CHAPTER C, MGTS TIER COMPLIANCE; CHAPTER E, INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; CHAPTER H, ENFORCEMENT; ARTICLE 8 □ SIGNAGE; CHAPTER E, PROCEDURES FOR SIGNAGE; CHAPTER F, GENERAL PROVISIONS FOR SIGNAGE TYPES; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; ARTICLE 12 □ TRAFFIC PERFORMANCE STANDARDS; CHAPTER B, STANDARD; CHAPTER C, TRAFFIC IMPACT STUDIES; CHAPTER D, PROCEDURE; CHAPTER K, TRANSPORTATION CONCURRENCY EXCEPTION AREAS; CHAPTER L, TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION; CHAPTER M, FIVE YEAR ROAD PROGRAM ARTICLE 14 □ ENVIRONMENTAL STANDARDS; CHAPTER A, SEA TURTLE PROTECTION AND SAND PRESERVATION; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; CHAPTER D, PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE; ARTICLE 17 □ DECISION MAKING BODIES; CHAPTER A, BOARD OF COUNTY COMMISSIONERS; CHAPTER B, GENERAL PROVISIONS; CHAPTER C, APPOINTED BODIES; 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.

#### **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**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

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