

Amend Engineering Condition 9 to read as follows:

9. On or before July 23 ~~April 29~~, 2010, the property owner shall convey to Palm Beach County...

Amend Engineering Condition 16 to read as follows:

16. Prior to issuance of the first building permit in a specific pod, the property owner shall plat ~~the entire project~~ that pod...

Delete Planning Condition #9 and renumber accordingly.

Amend Site Design Condition 1 to read as follows:

1. Prior to final approval by the Development Review Officer (DRO), the site plan and regulating plans shall be revised to indicate upgraded recreation amenities within the ~~3.58 acres~~ neighborhood park ~~as approved by the Parks and Recreation Department~~. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway;
- b. include a minimum of one (1) pedestrian bench;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and
- e. details of all items indicated above shall be subject to review and approval by the ~~Architectural Review~~ CDR Section. (DRO: ZONING ARCH.REVIEW - Zoning)

Delete Site Design Condition 2

18. (246-303) **CA-2009-0206 Jupiter Seventh Day Adventists
(Control 2009-121)**

Amend Landscaping Condition 2, 6 and 7 to read as follows:

2. A minimum of eighty five (85) ~~sixty five (65)~~ percent of canopy trees to be planted in the landscape buffers except the west right of way buffer fronting 103 Terrace North, shall be native and meet the following minimum standards at installation:
 - a. tree height: between twelve (12) to fourteen (14) feet;
 - b. ~~caliper trunk diameter:~~ between two and one-half (2.5) inches to four and one-half (4.5) inches ~~three and one-half (3.5) inches~~ measured at six (6.0) inches ~~four and one-half (4.5) feet~~ above grade;
 - c. canopy diameter: between six (6) to seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three (3.0) feet to three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)
6. In addition to code requirements, the landscape buffer along the north and south property lines shall be upgraded to include:
 - a. one (1) slash pine tree for each thirty (30) ~~twenty (20)~~ linear feet of the property line and one (1) native palm for each forty (40) linear feet of the property line to be grouped with canopy trees to create a natural landscape theme with a maximum spacing of sixty (60) feet between clusters

- b. required understory shall include a mix of saw palmetto, coco plum and other native vegetation. The portion of the north and south property lines adjacent to power lines may use clusters of native palms and canopy trees conforming to the FPL right tree right place guidelines. (BLDG PERMIT: LANDSCAPE -Zoning)
7. In addition to code requirements, landscaping along the west property lines shall be upgraded to include:
- a. ~~85%~~ 75% native plant materials
 - b. tree height: between twelve (12) feet to eighteen (18) ~~sixteen (16)~~ feet; and
 - c. ~~all required canopy trees shall be planted at one tree for each twenty (20) linear feet of the property line; and,~~
 - d.
 - c. one slash pine tree for each twenty ~~thirty~~ (20) linear feet of the property line to be grouped with canopy trees and native palms to create a natural landscape theme. ~~with a maximum spacing of sixty (60) feet between clusters.~~
 - e.
 - d. required understory shall include a mix of saw palmetto, coco plum and other native vegetation. (BLDG PERMIT: LANDSCAPE -Zoning)

Amend Use Limitation Condition 2 to read as follows:

2. No accessory outdoor uses such as temporary sales events shall be permitted on the property and no outdoor activity shall be conducted after 9:00 p.m. daily (ONGOING: CODE ENF - Zoning)



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY JULY 23, 2009

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**

JULY 23, 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/DOA-2008-01536** Title: an Official Zoning Map Amendment to a Planned Development District application of Boynton Beach Assocs XVII LLLP, G L Homes Of Palm Bch Assocs Ltd, Palm Beach County by Kilday & Associates Inc., Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Residential Planned Unit Development (AGR-PUD) Zoning District

Title: a Development Order Amendment of Boynton Beach Assocs XVII LLLP, G L Homes Of Palm Bch Assocs Ltd, Palm Beach County by Kilday & Associates Inc., Agent. Request: to reconfigure Master Plan, add land area and add units

General Location: South of Boynton Beach Boulevard, West of the Florida Turnpike and East of Lyons Road (**Fogg South PUD**) (Control 2002-00069)

Pages:

Project Manager: Joyce Lawrence

Size: 529.57 acres ±

BCC District: 5

(affected area 22.22 acres ±)

Staff Recommendation: Staff recommends a sixty (60) day postponement to Tuesday, September 29, 2009.

Zoning Commission Recommendation: Postpone sixty (60) days 5-0

MOTION: To postpone sixty (60) days to Tuesday, September 29, 2009.

B. REMANDS

C. WITHDRAWALS

2. **DOA-2008-00786** Title: a Development Order Amendment application by Glotel Inc / T Mobile, Agent. application of Betty Tufford by Glotel Inc. T-Mobile, Agent. Request: to modify a condition of approval (Commercial Pod)

General Location: Northwest corner of US 441 and Kimberly Blvd (**Shoppes of Boca Green - T-Mobile**) (Control 1977-00013)

Pages: 1 - 4

Project Manager: Douglas Robinson

Size: 1.00 acres ±

BCC District: 5

(affected area 0.01 acres ±)

Staff Recommendation: Staff recommends withdrawal.

Zoning Commission Recommendation: Denial: 6-1

MOTION: None required, withdrawn by right.

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. PREVIOUSLY POSTPONED STATUS REPORT

- 3. **SR-1994-087** Status Report for Resolution R-2006-0274 (Control # 1994-087). Property Owner: Pious Society of the Missionaries of St. Charles Boromero, Inc. and Gerald M. Barbarito, DD, JCL, Bishop. General Location: 330 feet west of Half Mile Road on the south side of West Atlantic Avenue. Current Zoning: Agricultural Reserve (**Pious Society - Our Lady Queen of Peace**)

Pages: 5 - 6

Size: 12.99 acres ±

BCC District: 5

MOTION: To approve a time extension until February 23, 2012 to commence development, and adopt a resolution to amend conditions of approval.

D. STATUS REPORTS - NEW

E. PREVIOUSLY POSTPONED ZONING APPLICATIONS

F. ZONING APPLICATIONS - NEW

- 4. **DOA/EAC-2009-00971** Title: a Development Order Amendment application of Boynton Beach XIX by Boynton Beach XIX Corporation, Agent. Request: to modify Engineering Conditions for median landscaping and Planning Conditions for the Rural Parkway
General Location: Southwest corner of Boynton Beach Boulevard and Lyons Road (**Lyons West AGR-PUD**) (Control 2005-00003)

Pages: 7 - 62

Conditions of Approval (23 - 36)

Project Manager: Ora Owensby

Size: 945.79 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of an Development Order Amendment/ Expedited Application Consideration to modify Engineering Conditions for median landscaping and Planning Conditions for the Rural Parkway subject to 53 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Development Order Amendment to modify Engineering Conditions for median landscaping and Planning Conditions for the Rural Parkway subject to the Conditions of Approval as indicated in Exhibit C.

5. **DOA/EAC-2009-00994** Title: a Development Order Amendment application of Summit Christian School by Summit Christian School, Agent. Request: to amend Landscape Conditions of Approval on the southern and eastern property lines
General Location: Southeast corner of Summit Blvd and Haverhill Road (**Summit Christian School**) (Control 1986-00114)

Pages: 63 - 91

Conditions of Approval (76 - 84)

Project Manager: Ora Owensby

Size: 26.52 acres ±

BCC District: 2

(affected area 16.77 acres ±)

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

MOTION: To adopt a resolution approving a Development Order Amendment to amend Landscape Conditions of Approval on the southern and eastern property lines subject to the Conditions of Approval as indicated in Exhibit C.

6. **ZV/DOA/ABN/Z-2009-00555** Title: a Development Order Abandonment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to legislatively abandon the Special Exception granted under R-1989-939 and the Development Order Amendment granted under R-2006-008.

Title: an Official Zoning Map Amendment of Palm Beach County by JPR Planning Services Inc., Agent. Request: to allow a rezoning from the Single-family Residential (RS) and the Agricultural Residential (AR) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone.

General Location: South east corner of Jog Road and The Florida's Turnpike. (**Water Treatment Plant #8**) (Control 1988-00057)

Pages: 92 - 102

Conditions of Approval (100 - 102)

Project Manager: Donna Adelsperger

Size: 20.12 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Abandonment to legislatively abandon the Special Exception granted under R-1989-939 and the Development Order Amendment granted under R-2006-008 and approval of an Official Zoning Map Amendment to allow a rezoning from the Single-family Residential (RS) and the Agricultural Residential (AR) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone subject to 12 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 Abandonment to legislatively abandon the Special Exception granted under R-1989-939 and the Development Order Amendment for the expansion of the facility granted under R-2006-008.

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

7. **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: 102 - 111

Conditions of Approval (110 - 111)

Project Manager: Donna Adelsperger

Size: 126.84 acres ±

BCC District: 5

(affected area 126.69 acres ±)

Staff Recommendation: Staff recommends approval of the Development Order Abandonment to legislatively abandon the special exception granted under Resolution R-1989-338 and approval of the Official Zoning Map Amendment subject to twelve (12) Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 6-0

MOTION: To recommend approval of a Development Order Abandonment to legislatively abandon the Special Exception granted under Resolution R-1989-338.

MOTION: To recommend approval, on first reading, of an Official Zoning Map to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District subject to the Conditions of Approval as indicated in Exhibit C and to convene a second hearing on August 27, 2009.

8. **DOA/EAC-2009-01497** Title: a Development Order Amendment application of Palm Beach County by Palm Beach County, Urban Design Kilday Studios, Agent. Request: to modify a Voluntary Commitment (Engineering)

General Location: Southwest corner of Coconut Road and Lake Worth Road. (**Mid-County Center**) (Control 2004-00202)

Pages: 112 - 129

Conditions of Approval (124 - 127)

Project Manager: Donna Adelsperger

Size: 12.15 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 9 Voluntary Commitments as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Development Order Amendment to modify a Voluntary Commitment (Engineering) subject to the Commitments as indicated in Exhibit C.

G. CORRECTIVE RESOLUTIONS

- 9. To **correct the prior Resolution** Number contained in the Development Order Abandonment Application ABN/DOA2009-1358 to read R-1989-956.

Pages: 130 - 130

MOTION: To adopt a resolution correcting the prior Resolution Number contained in the Development Order Abandonment Application ABN/DOA2009-1358 to read R-1989-956.

- 10. To **correct the Legal Description** for Preserve Parcel 3 (Gayler parcel) contained in Resolution Numbers R-2007-1041, R-2007-1042 and R-2008-1961 for (Control No. 2006-00550) Application Numbers PDD/W2006-1908 and DOA/EAC-2008-00803.

Pages: 131 - 133

MOTION: To adopt a resolution correcting the Legal Description for Preserve Parcel 3 (Gayler parcel) contained in Resolution Numbers R-2007-1041, R-2007-1042 and R-2008-1961 for (Control No. 2006-00550) Application Numbers PDD/W2006-1908 and DOA/EAC-2008-00803.

H. TDR CONTRACT AMENDMENTS

I. TDR CONTRACT, ESCROW AGREEMENT AND DEED

J. ABANDONMENTS

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

11. **SR-1983-091A.4** Status Report for Resolutions 1999-0971 and 1999-0972, Control #1983-091. Property Owner: St. Lukes United Methodist Church. General Location: Approximately 0.5 mile south of Lake Worth Road on the east side of Ohio Road. Current Zoning: Single Family Residential (**St. Lukes United Methodist Church**)

Pages: 134 - 137

Size: 5.91 acres ±

BCC District: 2

DISCLOSURE

MOTION: To approve a three-year time extension, from May 27, 2009, to May 27, 2012, to commence development.

12. **SR-1989-95B.2** Status Report for Resolution R-2002-0831, Control #1989-095. Property Owner: Amos Myrtil and Elisabeth M. Myrtil. General Location: Southwest corner of the intersection of Haverhill Road and Horseshoe Circle North. Current Zoning: Residential Single Family (**Eben-Ezer Baptist Church**)

Pages: 138 - 141

Size: 1.98 acres ±

BCC District: 2

DISCLOSURE

MOTION: To approve a three-year time extension, from May 23, 2009, to May 23, 2012, to commence development.

13. **SR-1992-029.4** Status Report for Resolutions 1993-557 and 1993-558, Control #1992-029. Property Owner: Debuys Property Investment Group, Ltd. General Location: South side of Lox Road and the Hillsboro Canal, north of the Broward County line, and 3.0 miles west of S.R. #7. Current Zoning: Special Agricultural **(Delk Excavation)**

Pages: 142 - 145

Size: 397.98 acres ±

BCC District: 5

DISCLOSURE

MOTION: To approve a three-year time extension, from June 9, 2009, to June 9, 2012, to commence development of the next phase.

14. **SR-1998-066.3** Status Report for Resolution R-1999-0701, Control #1998-066. Property Owner: Florida Conference Association of Seventh-day Adventist. General Location: Northwest corner of Kirk Road and Melaleuca Lane. Current Zoning: Multiple Family Residential **(Lake Worth 7th Day Adventist Church)**

Pages: 146 - 149

Size: 3.18 acres ±

BCC District: 3

DISCLOSURE

MOTION: To approve a three-year time extension, from February 27, 2009, to February 27, 2012, to commence development of the second phase.

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

15. **CA-2009-00210** Title: a Class A Conditional Use application of Henry Taylor by Jon E Schmidt & Associates, Agent. Request: to allow a Day Care, General.

General Location: South side of Northlake Boulevard, approximately 250' East of Hall Road. **(LaMensa Academy)** (Control 2007-00371)

Pages: 150 - 175

Conditions of Approval (165 - 168)

Project Manager: Ora Owensby

Size: 3.74 acres \pm

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of a Class A Conditional Use to allow a Daycare, General subject to twenty-seven (27) Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 5-1

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

16. **DOA-2008-01196** Title: a Development Order Amendment application of Okeelanta Corp by Kilday & Associates Inc., Agent. Request: to add land area, reconfigure the site plan and modify conditions of approval

General Location: Approximately two miles West of US 27, South of Bolles Canal **(Okeelanta CO-Generation Plant)** (Control 1992-00014)

Pages: 176 - 203

Conditions of Approval (190 - 195)

Project Manager: Anthony Wint

Size: 378.71 acres \pm

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request, subject to thirty-nine (39) conditions as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To adopt a resolution approving a Development Order Amendment to add land area, reconfigure site plan and modify conditions of approval subject to the Conditions of Approval as indicated in Exhibit C.

17. **DOA-2008-02226** Title: a Development Order Amendment application of Anasca Communities Llc by Anasca Communities LLC, Agent. Request: to reconfigure the master plan; modify Conditions of Approval (Architectural Review, Engineering, Landscape, Planning, Planned Unit Development); to increase number of dwelling units; to restart commencement clock and; to waive the affordability limitation restrictions.

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

Pages: 204 - 245

Conditions of Approval (225 - 237)

Project Manager: Anthony Wint

Size: 92.07 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to fifty-two (52) conditions of approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved as amended 6-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the master plan; modify conditions of approval (Architectural Review, Engineering, Landscape, Planning, Planned Unit Development); to increase the number of dwelling units and; to restart the commencement clock subject to the conditions of approval as indicated in Exhibit C.

18. **CA-2009-00206** Title: a Class A Conditional Use application of Conference Florida by Cotleur & Hearing Inc., Agent. Request: to allow a Place of Worship.

General Location: East side of 103rd Terrace North and south of Indiantown Road. **(Jupiter Seventh Day Adventists)** (Control 2009-00121)

Pages: 246 - 303

Conditions of Approval (261 - 264)

Project Manager: Anthony Wint

Size: 5.01 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to twenty-three (23) Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved as amended 5-1

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.

I. ZONING APPLICATIONS - NEW

J. ULDC AMENDMENTS

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

19. [AI-2009-003](#)
SMITH DAIRY PUD

Pages: 304 - 317

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT