



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AMENDED
AMENDMENTS TO THE AGENDA**

March 30, 2009

AGENDA ITEM # **APPLICATION/CHANGE**
PAGE #

POSTPONEMENTS

15. (244-271) **ABN/DOA/EAC-2008-1892** **Vista Center Parcel 23 Subparcel**
(Control # 1984-130)

Motion: To postpone thirty (30) days to Thursday, April 23, 2009.
(Requested by the Agent)

25. (395-399) **SR 1992-007.9** **Lipkins PCD**
(Control # 1992-007)

Motion: To postpone thirty (30) days to Thursday, April 23, 2009.
(Requested by property owner's agent)

26. (400-403) **SR 2001-005.2** **Okean Office MUPD**
(Control # 1992-007)

Motion: To postpone thirty (30) days to Thursday, April 23, 2009.
(Requested by property owner's agent)

AMENDMENTS

7. (7-31) **ZV/DOA-2008-1038** **Loggers Run Commercial**
(Control # 1975-068)

Modify Engineering Condition 12 to read as follow:

12. Prior to final site plan approval by the DRO, the site plan, as shown in application ZV/DOA-2008-1038, shall be revised such that there are no parking spaces that back out onto the main drive aisles for the site located on the north side of the proposed fast food and retail building. (DRO: ENGINEERING-Eng)

8. (32-80) **ZV/PDD/DOA/W/R-2008-1369** **Moroso Circle Track**
(Control 1997-034)

Modify Engineering Condition 1 and 3 to read as follows:

1. Prior to issuance of the first building permit the property owner shall ~~plat combine~~ the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
3. The property owner shall construct a left turn lane ~~northwest southeast~~ approach on Beeline Highway at the project's main entrance and acquisition of any additional required right-of-way.
 - a. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for the Clubhouse, Building J. (BLDG PERMIT: MONITORING-Eng)

12. (177-202) **DOA/EAC-2008-2218 MPC III Turnpike Business Park**
(Control 2002-011)

Modify All Petition Condition 2 of Resolution R-2008-1703 to read as follows:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated February 13, 2008 and the approved Preliminary Site Plan is dated June 11, ~~2009~~2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

13. (203-223) **ABN/Z/CA-2008-0447 West Jupiter Community Center**
(Control 1995-003)

Delete Engineering Condition 3.

19. (321-375) **DOA-2008-1367 Hyder AGR-PUD**
(Control 2005-455)

Amend previous Civic Site Dedication Condition 1 of Resolution R-2006-0278, Control No. 2005-455 to read as follows:

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 8.24 acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by ~~November 1, 2007~~ November 1, 2010. Property owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a)...b)... etc.

Amend previous Civic Site Dedication Condition 2 of Resolution R-2006-0278, Control No. 2005-455 to read as follows:

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by ~~September 1, 2007~~ September 1, 2010. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a)... b).... etc.

Amend previous Civic Site Dedication Condition 3 of Resolution R-2006-0278, Control No. 2005-455 to read as follows:

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by ~~September 1, 2007~~ September 1, 2010. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current

land use.

The assessment will include but not be limited to the following:
a)... b)... etc.

Amend previous Civic Site Dedication Condition 5 of Resolution R-2006-0278, Control No. 2005-455 to read as follows:

5. Previous Civic Site Dedication Condition 5 of Resolution R-2006-0278, which currently states:

In the event the Board of County Commissioners approves the civic Site dedication Agreement with the petitioner, the property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a gross 19.64 acre (net 17.50 acre) public civic site in accordance with the terms and conditions of the Civic Site Dedication Agreement and conditions (Civic Site Dedication) 1 through 4 above shall become null and void. (ONGOING:PREM-PREM)

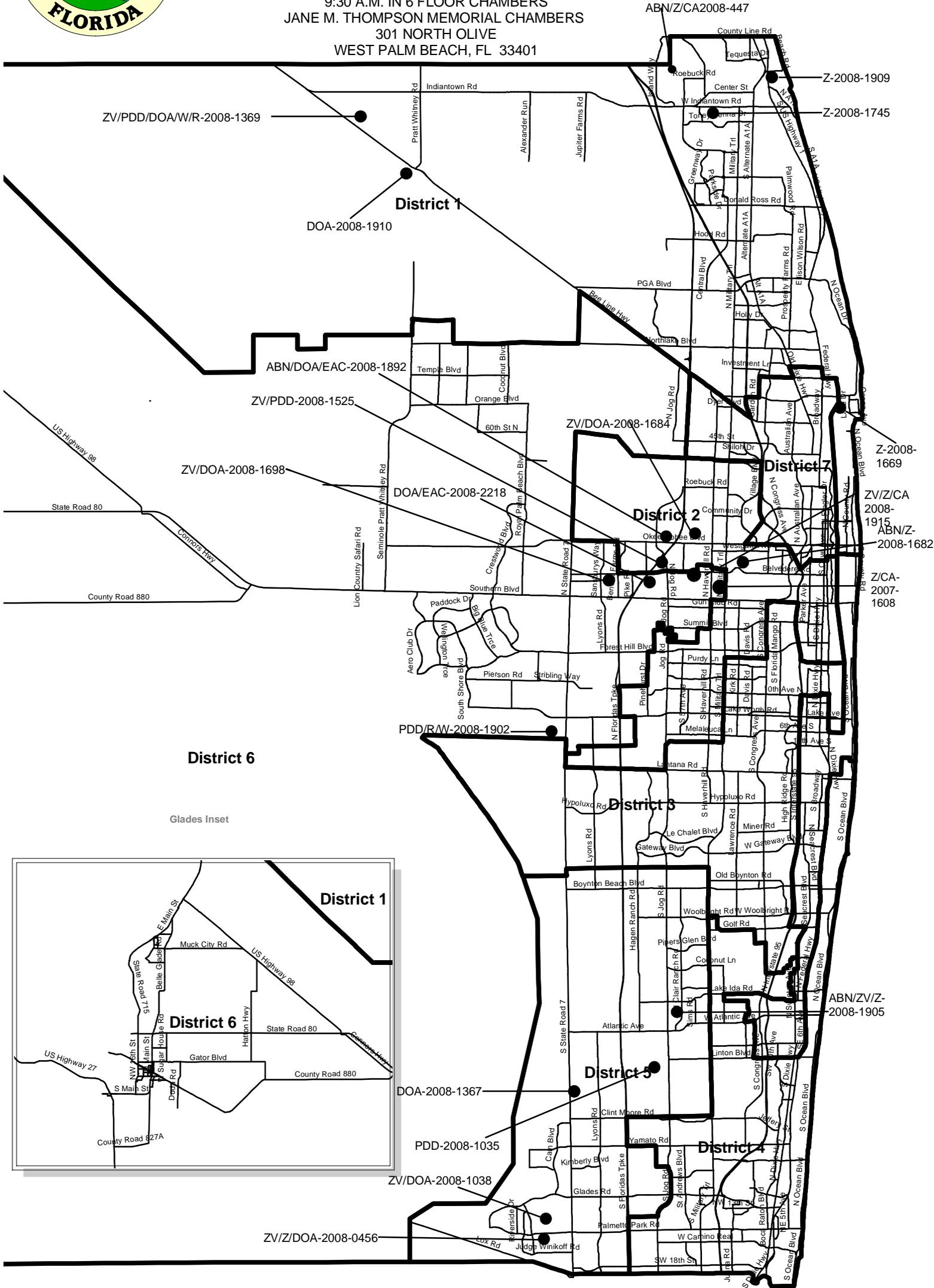
Is hereby amended to read:

The property owner has offered to provide the County with additional civic site property from the Hyder PUD (in addition to the required 8.24 acres of this PUD) which may be utilized as a credit towards other civic site dedication requirements. The civic property conveyance shall be handled by either one of two separate agreements, known as the Hyder Agreement and the Exchange and Civic Site Dedication Agreement (approved pursuant to R-2004-0936), which agreements shall supersede all conditions set forth herein. However, (1) should the Hyder Agreement not be finalized by either the County or the property owner, or (2) in the event there is no remaining civic site credit available for use by the property owner pursuant to the Exchange and Civic Site Dedication Agreement, then all requirements of PREM conditions 1 through 4 contained herein shall remain in effect. (ONGOING:PREM-PREM)



PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

MONDAY, March 30, 2009
9:30 A.M. IN 6 FLOOR CHAMBERS
JANE M. THOMPSON MEMORIAL CHAMBERS
301 NORTH OLIVE
WEST PALM BEACH, FL 33401



Website: www.pbcgov.com/pzb

In accordance with the ADA, this document may be requested in an alternative format.
Auxiliary aids or services will be provided upon request with at least three days notice. Please contact Robin Parker at (561) 233-5041.

Board of County Commissioners

County Administrator

Robert Weisman



Department of Planning, Zoning & Building

2300 N. Jog Rd.
West Palm Beach, FL 33411
Phone: 561-233-5200
Fax: 561-233-5165

**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

MONDAY, MARCH 30, 2009

**9:30 AM 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/WITHDRAWALS/REMANDS

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**

MARCH 30, 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. **Z/CA-2007-01608** Title: an Official Zoning Map Amendment application of McLaren Const Co Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a rezoning from Multi-Family Residential (RM) Zoning District to the General Commercial (CG) Zoning District
Title: a Class A Conditional Use of McLaren Const Co Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a Convenience Store with Gas Sales.
General Location: The property is located on the northeast corner of Haverhill Road and Wallis Road. (**RaceTrac Haverhill**) (Control 2005-00514)
- Pages: 1 - 1
Project Manager: Joyce Lawrence
Size: 1.96 acres ± BCC District: 6
- Staff Recommendation: Staff recommends a thirty (30) day postponement to Thursday, April 23, 2009.
Zoning Commission Recommendation: Approved 7-0
- MOTION:** To postpone thirty (30) days to Thursday, April 23, 2009.

2. **SCA-2008-00017** Title: application of McLaren Const Co Inc, RaceTrac Petroleum Inc. by Brandenburg & Associates P.A., Agent. Request: MR-5 & U/T to CH
General Location: Northeast corner of Wallis Road and Haverhill Road. (**Haverhill / Wallis Race Trac**) (Control 2005-00514)
- Pages:
Project Manager: Nathaniel Marx
Size: 1.96 acres ± BCC District: 6
- Staff Recommendation: Approval of the proposed amendment from Medium Residential, 5 units per acre & Utilities and Transportation (MR-5 & U/T) to Commercial High (CH) with two conditions: 1) allowing the cross accesses from Wallis Road & east side of the subject site; 2) the subject site's layout and building orientation shall be generally consistent with the form-based concepts endorsed in the URA Planning Study and Corridor Master Plans.
- MOTION:** To postpone thirty (30) days to Thursday, April 23, 2009.

3. **ZV/ABN/Z-2008-01905** Title: a Type II Variance application of Colonial Inn by Urban Design Studio, Agent. Request: to reduce the required landscape buffer width; and to exceed the maximum building coverage requirement
Title: a Development Order Abandonment of Colonial Inn by Urban Design Studio, Agent. Request: to abandon Resolution R-1986-642 which granted a Special Exception to allow a Congregate Living Facility.
Title: an Official Zoning Map Amendment of Colonial Inn by Urban Design Studio, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Institutional Public Facility (IPF) Zoning District.
General Location: Approximately 1/4 mile north of Atlantic Avenue, on the west side of Sims Road. **(Colonial Inn)** (Control 1986-00026)

Pages:

Project Manager: Douglas Robinson

Size: 1.70 acres ±

BCC District: 5

Staff Recommendation: To postpone thirty days (30) to Thursday April 23, 2009

MOTION: To postpone thirty days (30) to Thursday April 23, 2009

4. **ZV/DOA-2008-01684** Title: a Type II Variance application of Mountaineer Properties LLC by Covelli Design Associates Inc., Agent. Request: to allow a reduction in the number of parking spaces
Title: a Development Order Amendment of Mountaineer Properties LLC by Covelli Design Associates Inc., Agent. Request: to modify/delete conditions of approval (Landscaping, Lighting, Use Limitations) and add land area.
General Location: Northwest corner of Century Boulevard and East Drive. **(Resident Service Center)** (Control 1993-00040)

Pages:

Project Manager: Carol Glasser

Size: 2.38 acres ±

BCC District: 2

Staff Recommendation: To postpone thirty (30) days to Thursday April 23, 2009

Zoning Commission Recommendation: Approved 7-0

MOTION: To postpone thirty (30) days to Thursday April 23, 2009

5. **PDD-2008-01035** Title: an Official Zoning Map Amendment to a Planned Development District application of 6585 LLC by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
General Location: North side of Morikami Park Road, approximately 275 feet west of Jog Road. **(Morikami Park Nursing Center)** (Control 2008-00133)

Pages: 2 - 2

Project Manager: Ora Owensby

Size: 7.28 acres ±

BCC District: 5

Staff Recommendation: To postpone 60 days to May 28, 2009.

Zoning Commission Recommendation: Approved 7-0

MOTION: To postpone 60 days to May 28, 2009.

B. REMANDS

C. WITHDRAWALS

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

- 6. **SR 2004-589** Status Report for Resolution R-2006-019 (Control # 2004-589), Property Owner: Ronald D. Simon General Location: approximately 300 feet west of Florida's Turnpike on the north side of Clint Moore Road Current Zoning: Agricultural Reserve Zoning District (AGR) with a Class A Conditional Use to allow an elementary or secondary school (**Randazzo School**)

Pages: 3 - 6

Size: 10.00 acres ±

BCC District: 5

MOTION: To 1) approve a time extension until January 5, 2012 for Resolution R-2006-019, and 2) revoke concurrency for an elementary or secondary school with a maximum capacity of 500 students, and accessory administrative office space.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 7. **ZV/DOA-2008-01038** Title: a Development Order Amendment application of Holdings GPH by Ruden McClosky, Agent. Request: to reconfigure the site plan and add square footage
General Location: Northeast corner of Palmetto Park and Oriole Country Road. (**Loggers Run commercial**) (Control 1975-00068)

Pages: 7 - 31

Conditions of Approval (21 - 27)

Project Manager: Joyce Lawrence

Size: 12.21 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 50 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved: 7-0

MOTION: To adopt a resolution approving of a Development Order Amendment to reconfigure the site plan and add square footage.

8. **ZV/PDD/DOA/W/R-2008-01369** Title: an Official Zoning Map Amendment to a Planned Development District application of Moroso Investment Partners LLC by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

Title: a Development Order Amendment of Moroso Investment Partners LLC by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to add land area and reconfigure site plan.

Title: a Requested Use of Moroso Investment Partners LLC by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to allow arena; auditorium or stadium; entertainment, outdoor; entertainment, indoor; auction, outdoor; auto paint and body; convenience store with gas sales; manufacturing and processing; vehicle sales and rental; electronic message center; and to allow an alternative sign plan.

Title: to allow a deviation from Architectural Guidelines of Moroso Investment Partners LLC by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to allow a waiver for unique structures.

General Location: North side of Beeline Highway (SR710) west of Pratt Whitney Road, south of Indiantown Road. **(Moroso Circle Track)** (Control 1997-00034)

Pages: 32 - 80

Conditions of Approval (68 - 72)

Project Manager: Ronald Sullivan

Size: 186.35 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 27 Conditions of Approval as indicated in Exhibit C

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment rezoning from the Light Industrial (IL) Zoning District to the to the Multiple Use Planned Development (MUPD) District.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area and reconfigure the site plan.

MOTION: To adopt a resolution approving a Waiver to allow a deviation from Architectural Guidelines.

MOTION: To adopt a resolution approving Requested Uses allowing an arena; auditorium or stadium; entertainment, outdoor; auction, outdoor; auto paint and body; convenience store with gas sales; manufacturing and processing; and vehicle sales and rental and approving an Electronic Message Center sign and an Alternative Sign Plan.

9. **Z-2008-01745** Title: an Official Zoning Map Amendment application of Habitat for Humanity of Palm Beach Count by Land Design South Inc., Agent. Request: to allow a rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District
General Location: Southeast corner of Mallards Cove Road and Jupiter Gardens Boulevard. (**Habitat for Humanity - Kennedy Estates II**) (Control 2003-00062)

Pages: 81 - 103

Conditions of Approval (93 - 94)

Project Manager: Donna Adelsperger

Size: 3.63 acres ±

BCC District: 1

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

Zoning Commission Recommendation: Approval: 6-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to rezone from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District with a Conditional Overlay Zone (COZ).

10. **ZV/DOA-2008-01698** Title: a Development Order Amendment application of dba Manheim Palm Beach by Kilday & Associates Inc., Agent. Request: to add land area and square footage, reconfigure the site plan, restart the commencement clock, delete conditions of approval contained within R2004-2423, and modify a condition of approval (Engineering)

General Location: Approximately 600 feet south of Belvedere Road on the East side of Sansbury's Way. (**Manheim Palm Beach MUPD**) (Control 2005-00641)

Pages: 104 - 148

Conditions of Approval (125 - 132)

Project Manager: Carol Glasser

Size: 91.60 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 36 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 add land area and square footage, reconfigure the site plan, restart the commencement clock, delete conditions of approval contained within R2004-2423, and modify a condition of approval (Engineering) subject to 36 conditions of approval

11. **ZV/PDD-2008-01525** Title: an Official Zoning Map Amendment to a Planned Development District application of Duke Realty Limited Partnership by Jon E. Schmidt & Associates Inc., Agent. Request: to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Planned Industrial Park Development (PIPD) Zoning District
General Location: Northwest corner of North Jog Road and Belvedere Road. **(Turnpike Crossing East Industrial Property)** (Control 2005-00456)

Pages: 149 - 176

Conditions of Approval (164 - 170)

Project Manager: Carol Glasser

Size: 67.16 acres ±

BCC District: 2

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

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving an Official Zoning Map amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Planned Industrial Park Development (PIPD) Zoning District subject to Conditions of Approval as indicated in Exhibit C

12. **DOA/EAC-2008-02218** Title: a Development Order Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to delete Conditions of Approval (Landscaping)
General Location: Southwest corner of North Cleary Road and Belvedere Road. **(MPC III Turnpike Business Park)** (Control 2002-00011)

Pages: 177 - 202

Conditions of Approval (191 - 196)

Project Manager: Carol Glasser

Size: 47.69 acres ±

BCC District: 6

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

MOTION: To adopt a resolution approving a Development Order Amendment to delete Conditions of Approval (Landscaping) subject to 28 Conditions of Approval

E. ZONING APPLICATIONS - NEW

13. [ABN/Z/CA-2008-00447](#) Title: a Development Order Abandonment application of West Jupiter Community Group Inc by Cotleur & Hearing Inc., Agent. Request: to abandon Resolution R-95-522 which approved the previous Class A Conditional Use for Government Service use
Title: an Official Zoning Map Amendment of West Jupiter Community Group Inc by Cotleur & Hearing Inc., Agent. Request: To allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the Single-family Residential (RS) Zoning District.
Title: a Class A Conditional Use of West Jupiter Community Group Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Daycare, General.
General Location: Approximately 1,000 feet west of Limestone Creek Road on the north side of Church Street. **(West Jupiter Community Center)** (Control 1995-00003)

Pages: 203 - 223

Conditions of Approval (218 - 219)

Project Manager: Autumn Sorrow

Size: 1.68 acres ±

BCC District: 1

(affected area 1.61 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to thirteen (13) Conditions of Approval.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving a Development Order Abandonment of Resolution R-95-522 which approved a Class A Conditional Use for Government Service use.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment rezoning from the Residential Transitional Urban (RTU) Zoning District to the Residential Single-Family (RS) Zoning District.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow for a Daycare, General.

14. **ZV/Z/CA-2008-01915** Title: an Official Zoning Map Amendment application of Ross Hering by JOHNSTON GROUP Land Development Consultants Inc., Agent. Request: to allow a rezoning from the Public Ownership (PO) Zoning District to the Residential Single-family (RS) Zoning District
Title: a Class A Conditional Use of Ross Hering by JOHNSTON GROUP Land Development Consultants Inc., Agent. Request: to allow an Assembly Non-Profit Institutional use.
General Location: Approximately 1 mile west of Haverhill Road on the south side of Beleveder Road. **(Boys and Girls Club)** (Control 2002-00064)
- Pages: 224 - 243
 Conditions of Approval (240 - 243)
 Project Manager: Autumn Sorrow
 Size: 24.49 acres ± BCC District: 6
 (affected area 13.30 acres ±)
- Staff Recommendation: Staff recommends approval of the Rezoning and Class A Conditional Use subject to twenty-one (21) conditions of approval as indicated in Exhibit C.
- Zoning Commission Recommendation: Approved 7-0
- MOTION:** To adopt a resolution approving an Official Zoning Map Amendment rezoning from the Public Ownership (PO) Zoning District to the Single-Family Residential (RS) Zoning District (CG).
- MOTION:** To adopt a resolution approving a Class A Conditional Use to allow for an Assembly, Non-Profit Institutional use.

15. **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: 244 - 271
 Conditions of Approval (253 - 266)
 Project Manager: Douglas Robinson
 Size: 1.14 acres ± BCC District: 2
- Staff Recommendation: Staff recommends approval of a Development Order Abandonment to abandon the daycare, general granted under Resolution R-2005-0379 and a Development Order Amendment to amend the Preliminary Master Plan
- MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon the daycare, general granted under Resolution R-2005-0379
- MOTION:** To adopt a resolution approving a Development Order Amendment to amend the Preliminary Master Plan

16. **DOA-2008-01910** Title: a Development Order Amendment application of Congress Avenue Properties Ltd by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to reconfigure the site plan to add square footage, to modify conditions of approval (Building and Site Design and Landscape) and to add one (1) access point
General Location: South side of Innovations Drive, 1/2 mile from the intersection of Pratt-Whitney Road and Beeline Highway. **(Innovation Center)** (Control 2001-00009)
 Pages: 272 - 295
 Conditions of Approval (284 - 290)
 Project Manager: Joyce Lawrence
 Size: 11.99 acres ± BCC District: 1
- Staff Recommendation: Staff recommends approval of the request subject to 29 Conditions of Approval as indicated in Exhibit C.
- Zoning Commission Recommendation: Approved 7-0
- MOTION:** To adopt a resolution approving of a Development Order amendment to reconfigure the site plan to add square footage, to modify conditions of approval (Building and Site Design and Landscape), and to add one (1) access point.
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17. **ABN/Z-2008-01682** Title: a Development Order Abandonment application of Palm Beach County by Kilday & Associates Inc., Palm Beach County, Agent. Request: to abandon the Special Exceptions and Development Order approvals granted via Resolutions R-73-621, R-91-243, and R-2005-0601
Title: an Official Zoning Map Amendment of Palm Beach County by Kilday & Associates Inc., Palm Beach County, Agent. Request: to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Public Ownership (PO) Zoning District.
General Location: North side of the intersection of Cherry Road and Country Club Road. **(Cherry Road Complex Rezoning)** (Control 1973-00157)
 Pages: 296 - 311
 Conditions of Approval (311 - 311)
 Project Manager: Donna Adelsperger
 Size: 19.54 acres ± BCC District: 2
- Staff Recommendation: Staff recommends approval of the rezoning request subject to 4 Voluntary Commitments as indicated in Exhibit C and approval of the Development Order Abandonment.
- Zoning Commission Recommendation: Approval: 6-0, as amended both requests
- MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon the Special Exceptions and approvals granted via Resolutions R-73-621, R-91-243, and R-2005-0601.
- MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Public Ownership (PO) Zoning District.

18. **ZV/Z/DOA-2008-00456** Title: an Official Zoning Map Amendment application of Palm Beach County by JPR Planning Services Inc., Agent. Request: to allow a rezoning from the Single-family Residential (RS) Zoning District and the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ)
Title: Development Order Abandonment of Palm Beach County by JPR Planning Services Inc., Agent. Request: to legislatively abandon Resolution #R-89-942.
General Location: South of Palmetto Park Rd., E of State Road 7 in Boca Dunes (Sandalfot) Golf Course. **(PBC Water Treatment Plant No. 9)** (Control 1988-00059)
- Pages: 312 - 320
 Conditions of Approval (319 - 320)
 Project Manager: Ora Owensby
 Size: 13.14 acres ± BCC District: 5
- Staff Recommendation: Staff recommends approval of the Rezoning and Development Order Amendment requests subject to 7 Conditions of Approval as indicated in Exhibit C.
- Zoning Commission Recommendation: Approval: 6-0 all requests
- MOTION:** To adopt a resolution approving an Official Zoning Map Amendment rezoning from the Single-family Residential (RS) Zoning District and the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ).
- MOTION:** To adopt a resolution approving a Development Order Amendment request to legislatively abandon Resolution #R-89-942.

19. **DOA-2008-01367** Title: a Development Order Amendment application of Boca Raton Assoc VI LLLP, Boynton Beach Assoc XXIV LLLP, South Florida Water Management Dist by Kilday & Associates Inc., Agent. Request: to reconfigure the master plan, increase number of units, to amend a condition of approval (Engineering), create a model row, and restart the commencement clock
- General Location: on the west side of Lyons Road and south of the LWDD L-36 Canal. **(Hyder AGR-PUD)** (Control 2005-00455)
- Pages: 321 - 375
 Conditions of Approval (345 - 359)
 Project Manager: Ora Owensby
 Size: 995.67 acres ± BCC District: 5
- Staff Recommendation: Staff recommends approval of the request subject to 44 Conditions of Approval as indicated in Exhibit C.
- Zoning Commission Recommendation: Approved 5-2
- MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the master plan, increase number of units, to amend a condition of approval (Engineering), create a model row, and restart the commencement clock.

F. CORRECTIVE RESOLUTIONS

G. TDR CONTRACT AMENDMENTS

H. TDR CONTRACT, ESCROW AGREEMENT AND DEED

- 20. **DOA/R/TDR 2008-441** Execution of a Contract for Sale and Purchase of Development Rights. Request: Execute a contract between Palm Beach County and Woodwind 2007 LLC and KLP East LLC., for the sale and purchase of 109 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$1.00 per unit as approved by the Palm Beach County Board of County Commissioners on February 25, 2009 by Resolution No. R-2009-371. Property Owner: N/A General Location: Northeast corner of Woodwind Lane and State Road 7/441. Current Zoning: N/A **(WOODWIND PUD (Control 2004-524))**

Pages: 376 - 380

Size: 36.34 acres ±

BCC District: 6

MOTION: To approve a contract for the sale and purchase of 109 development rights at a purchase price of \$1.00 per unit for a total price of \$109.00.

- 21. **DOA/R/TDR 2008-441** Execute a deed conveying 109 Development Rights units to Woodwind 2007 LLC and KLP East LLC., as authorized in Resolution No. R-2009-371 which approved the purchase of 109 Development Rights from the County's TDR Bank at a cost of \$1.00 per unit and the designation of the Woodwind PUD as a TDR Receiving Area for those units. Property Owner: N/A General Location: Northeast corner of Woodwind Lane and State Road 7/441. Current Zoning: N/A **(WOODWIND PUD (Control 2004-524))**

Pages: 381 - 383

Size: 36.34 acres ±

BCC District: 6

MOTION: To execute a deed conveying 109 Development Rights units to Woodwind PUD as authorized in Resolution No. R-2009-371.

- 22. **ZV/CA/TDR 2008-612** Execution of a Contract for Sale and Purchase of Development Rights. Request: Execute a contract between Palm Beach County and Place of Hope, Inc., for the sale and purchase of 3 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$1.00 per unit as approved by the Palm Beach County Board of County Commissioners on January 29, 2009 by Resolution No. R-2009-172. Property Owner: N/A General Location: Approximately one-tenth mile south of Northlake Boulevard on the west side of Burma Road. Current Zoning: N/A **(VILLAGE OF HOPE (Control 2008-110))**

Pages: 384 - 387

Size: 1.43 acres ±

BCC District: 1

MOTION: To approve a contract for the sale and purchase of 3 development rights at a purchase price of \$1.00 per unit for a total price of \$3.00.

23. **ZV/CA/TDR 2008-612** Execute a deed conveying 3 Development Rights units to Place of Hope, Inc. as authorized in Resolution No. R-2009-172 which approved the purchase of 3 Development Rights from the County TDR Bank at a cost of \$1.00 per unit and the designation of the Village of Hope as a TDR Receiving Area for those units. Property Owner: N/A General Location: Approximately one-tenth mile south of Northlake Boulevard on the west side of Burma Road. Current Zoning: N/A (**VILLAGE OF HOPE (Control 2008-110)**)

Pages: 389 - 390

Size: 1.43 acres ±

BCC District: 1

MOTION: To execute a deed conveying 3 Development Rights units to Village of Hope as authorized in Resolution No. R-2009-172.

I. 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

24. **SR 1987-049D.2** Status Report for Resolution R-2001-0598 and 2001-0599 (Control # 1987-049D). Property Owner: New Hope Charities, Inc. General Location: 0.2 mile north of Morgan Road on the east side of SR 15/US441. Current Zoning: Planned Unit Development (PUD) with general daycare, charter school, health/education center). (**Santa Maria Village PUD**)

Pages: 391 - 394

Size: 31.50 acres ±

BCC District: 6

DISCLOSURE

MOTION: To approve a time extension until December 4, 2011 for Resolutions R-2001-0598 and R-2001-0599.

25. **SR 1992-007.9** Status Report for Resolutions R-1993-515 and R-1993-516 (Control # 1992-007) Property Owner: Morningstar Nursery, Inc General Location: northeast corner of the intersection of Hypoluxo Rd. and Military Trail Current Zoning: CC-Community Commercial with a Special Exception for a Planned General Commercial Development including a fast food restaurant, auto service station and financial institution with drive-up tellers (**Lipkins PCD**)

Pages: 395 - 399

Size: 7.92 acres ±

BCC District: 3

DISCLOSURE

MOTION: To revoke concurrency for the Planned General Commercial Development, including a fast food restaurant with drive-thru window, auto service station (automatic) and financial institution with 3 drive-up tellers and 2) adoption of a resolution to revoke Resolution R-1993-516, the Special Exception for a Planned General Commercial Development.

26. **SR 2001-005.2** Status Report for Resolution R-2001-2067 (Control # 2001-005), the application of Flamboyant Enterprises and Paul Okean. Property Owner: Morningstar Nursery, Inc. General Location: approximately 600 feet north of Hypoluxo Road on the east side of Military Trail. Current Zoning: Multiple Use Planned Development (MUPD) with two (2) daycares, general and congregate living facility, type III. **(Okean Office MUPD)**

Pages: 400 - 403

Size: 19.18 acres ±

BCC District: 3

DISCLOSURE

MOTION: To approve a time extension until December 31, 2010, for Resolution R-2001-2067.

27. **SR 2003-038.2** Status Report for Resolution R-2004-0008 (Control # 2003-038) Property Owner: Unico Developers Corporation General Location: approximately 262 feet west of Wabasso Road on the south side of Shawnee Avenue. Current Zoning: General Commercial with a Class A Conditional Use to allow an office/warehouse within the WCRA-O. **(Westgate Office/Warehouse)**

Pages: 404 - 407

Size: 0.58 acres ±

BCC District: 2

DISCLOSURE

MOTION: To approve a time extension until January 8, 2012, for Resolution R-2004-0008.

28. **CR 2004-003/E1** Status Report for Resolution R-2004-0952 (Control # 2004-003). Property Owner: June McDonald. General Location: south side of Southern Boulevard, 375 feet east of Benoist Farms Road. Current Zoning: Residential Transitional **(Mounts Rezoning)**

Pages: 408 - 410

Size: 2.99 acres ±

BCC District: 6

DISCLOSURE

MOTION: to direct the Code Enforcement Division to cite the property owner for failure to comply with condition number E1 of Resolution 2004-952.

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

29. **SCA-2009-00004** Title: application of SRR Holdings LLC by Miller Land Planning, Agent. Request: LR-2 & CL/2 to HR-8 & CL/8
General Location: West side of State Road 7, approximately mile north of Lantana Road.; **(SR7/Carlyle CLF)** (Control 2005-00454)

Pages: 411 - 450

Project Manager: Scott Rodriguez

Size: 11.18 acres \pm

BCC District: 3

(affected area 9.17 acres \pm)

Staff Recommendation: Approval of the proposed amendment from LR-2 & CL/2 to HR-8 & CL/8 with a condition limiting the subject property to develop as a Congregate Living Facility utilizing the underlying 8 dwelling units per acre, and if developed residentially, other than as a CLF, the density shall be limited to Low Residential, two units per acre (LR-2).

MOTION: To adopted an ordinance approving the amendment from from LR-2 & CL/2 to HR-8 & CL/8 with a condition limiting the subject property to develop as a Congregate Living Facility utilizing the underlying 8 dwelling units per acre, and if developed residentially, other than as a CLF, the density shall be limited to Low Residential, two units per acre (LR-2).

30. **W/PDD/R-2008-01902** Title: a Waiver of Dimensional Criteria application of SRR Holdings LLC by Miller Land Planning, Agent. Request: to allow a reduction in the required frontage for a Planned Development District
Title: an Official Zoning Map Amendment to a Planned Development District of SRR Holdings LLC by Miller Land Planning, Agent. Request: to allow a rezoning from Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District.
Title: a Requested Use of SRR Holdings LLC by Miller Land Planning, Agent. Request: to allow a Type III Congregate Living Facility.
General Location: West side of SR 7, approximately 2,000 feet north of Lantana Road. **(Carlyle Senior Housing)** (Control 2005-00454)

Pages: 451 - 471

Conditions of Approval (465 - 467)

Project Manager: Andrea Harper

Size: 11.18 acres \pm

BCC District: 3

(affected area 9.17 acres \pm)

Staff Recommendation: Staff recommends approval of the requests subject to 18 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving a Waiver to allow a reduction in the required frontage for a Planned Development District

MOTION: To adopt a resolution approving an Official Zoning Map Amendment rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District.

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

31. **SCA-2009-00005** Title: application of Palm Beach County by Palm Beach County, Agent. Request: LR-2 to PARK
General Location: mile north of Indiantown Road and 925 feet east of State Road A1A, at the terminus of DuBois Road. (**DuBois Park Expansion**) (Control 2008-00281)

Pages: 472 - 478

Project Manager: Sussan Gash

Size: 1.18 acres \pm

BCC District: 1

Staff Recommendation: Approval of the proposed amendment from Low Residential 2 units per acre (LR-2) to Park (PARK).

MOTION: To adopt an ordinance approving the proposed amendment from Low Residential 2 units per acre (LR-2) to Park (PARK).

32. **Z-2008-01909** Title: an Official Zoning Map Amendment. application of Palm Beach County by Gentile Holloway O'Mahoney & Assoc, Palm Beach County, Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District
General Location: Northeast of the intersection of Jupiter Beach Road and S.R. A-1-A, at the north terminus of Dubois Road. (**DuBois Park Rezoning**) (Control 2008-00281)

Pages: 479 - 490

Conditions of Approval (490 - 490)

Project Manager: Ora Owensby

Size: 21.46 acres \pm

BCC District: 1

Staff Recommendation: Staff recommends approval of the request, subject to 3 Voluntary Commitments as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 7-0

MOTION: To recommend approval of an Official Zoning Map Amendment on first reading, to allow a rezoning from the Single Family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District, and to schedule a second hearing on April 23, 2009.

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

33. **DOA-2008-01365** Title: a Development Order Amendment application of Colonial Lakes LLC by Land Design South Inc., Agent. Request: to modify conditions of approval (Site Design, Engineering, Landscaping, Workforce Housing and Transfer of Development Rights), reconfigure site plan and delete units

General Location: Approximately 500 feet west of Haverhill Road on the south side of Lake Worth Road. **(Colonial Lakes)** (Control 2006-00010)

Pages: 491 - 527

Conditions of Approval (509 - 516)

Project Manager: Anthony Wint

Size: 9.84 acres ±

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 31 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 modify conditions of approval, reconfigure site plan and delete units.

34. **Z-2008-01669** Title: an Official Zoning Map Amendment application of Palm Beach County by Palm Beach County, Agent. Request: Rezoning from the Preservation/Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District

General Location: Approximately 0.1 mile south of Blue Heron Boulevard and approximately 1,000 feet northeast of the Port of Palm Beach and 1,500 feet due west of Lake Worth Inlet. **(Peanut Island Rezoning)** (Control 1976-00101)

Pages: 528 - 553

Conditions of Approval (543 - 544)

Project Manager: Donna Adelsperger

Size: 84.00 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request, subject to a Conditional Overlay Zone and six (6) Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 7-0

MOTION: To recommend approval on first reading, of an Official Map Amendment from the Preservation/ Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone and to schedule a second hearing on April 23, 2009.

I. ZONING APPLICATIONS - NEW

J. ULDC AMENDMENTS

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

35. Quasi-Judicial

Pages: 554 - 569

MOTION: TO ADOPT A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING RESOLUTION NO R-95-842, AS AMENDED; AND ADOPTING THE COUNTY PROCEDURES FOR CONDUCT OF QUASI-JUDICIAL HEARINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR SEVERABILITY.

36. Architectural Workshop

Pages: 570 - 572

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

37. **SR 1992-048C.2** Status Report for Resolution R-2004-2014 (Control # 1992-048C) Property Owner: Muslim Community of Palm Beach, Inc General Location: approximately 174 feet east of Haverhill Road, on the north and south sides of Purdy Lane Current Zoning: Single Family Residential with a Class A Conditional Use to allow a church or place of worship (**Muslim Community Center**)

Pages:

Size: 7.89 acres ±

BCC District: 2

COMMISSIONER COMMENTS

ADJOURNMENT