



- c. Make a payment to Palm Beach County Engineering Department for an estimated amount of \$1,200,000 for all construction costs, including administration, testing and construction management, associated with the construction of Lyons Road as a 2-lane median divided section from Atlantic Avenue to the north project driveway, including separate left turn, right turn and through lanes on the north approach at Atlantic Avenue and Lyons Road. The developer shall be responsible for any and all costs in excess of this estimated amount. (DATE:MONITORING-Eng)
- d. If any of the actual costs for design or construction exceed those amounts in 10.b. or 10.c., the developer shall pay Palm Beach County Engineering Department for that excess amount within sixty (60) days notice from the County Engineer. (ONGOING: ENGINEERING-Eng)

Add new Engineering Condition 16 to read as follows:

- 16. Condition number 9.b. which requires turn lane improvements on Lyons Road to be completed prior to issuance of the first Certificate of Occupancy shall be considered complied with when payments required in Condition number 10 have been made within the timeframe required in that condition. (ONGOING: ENGINEERING-Eng)

**15. (268-314) DOA-2008-1672 Star Ranch Excavation Expansion  
(Control 1978-099)**

Amend DRO-MONITORING Conditions 1, 2 and 3 to read as follows:

- 1. Mining of the expansion area may be permitted only to support public roadway...
- 2. The property owner shall submit a five (5) year monitoring report in a form determined by the Zoning Director on ~~July 4~~ November 1, 2014. ...
- 3. Environmental Resources Management Division starting on ~~July 4~~ November 1, 2010 and submitted annually thereafter...

Amend ENVIRONMENTAL Condition 2 to read as follows:

- 2. The property owner shall report to the Environmental Resources Management on ~~January 31~~ May 31, 2010 and on an annual basis...

**16. (315-529) Exhibit D, Article 4, Use Regulations  
ULDC, Table 4.B.1.A.3, Agriculture, Bona Fide (page 359)**

Withdraw provisions from lines 15 to 51.



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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING**

**THURSDAY OCTOBER 22, 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**

**OCTOBER 22, 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. **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

**MOTION:** To postpone postpone 30 days to December 8, 2009.

2. **DOA-2009-02672** Title: a Development Order Amendment application of Centers Southland by Land Design South Inc., Agent. Request: to amend a Condition of Approval (Use Limitation)  
General Location: Northeast corner of Jog Road and Lake Ida Road, Delray Beach, Florida. (**Spalding Property**) (Control 1999-00092)

Pages: 2 - 2

Project Manager: Ora Owensby

Size: 25.82 acres ±

BCC District: 5

Staff Recommendation: To postpone 30 days to December 8, 2009.

**MOTION:** To postpone 30 days to December 8, 2009

3. **DOA/CA-2008-01358** Title: a Development Order Amendment application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to add square footage, reconfigure site plan and to modify and delete conditions of approval  
Title: a Class A Conditional Use of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to allow for the expansion of the previously approved Convenience Store with Gas Sales  
General Location: Southwest corner of US 441 and Atlantic Avenue. (**Stop & Shop**) (Control 1999-00029)

Pages:

Project Manager: Wendy Hernandez

Size: 5.10 acres ±

BCC District: 5

Staff Recommendation: To postpone 30 days to December 8, 2009.

**MOTION:** To postpone 30 days to December 8, 2009.

4. **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, approve the reduced cost of \$1.00 per unit, and designate the subject property as the receiving area.

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

Pages: 3 - 3

Project Manager: Ora Owensby

Size: 21.80 acres ±

BCC District: 3

Staff Recommendation: To postpone 30 days to December 8, 2009.

**MOTION:** To postpone 30 days to December 8, 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**

- 5. **STR-2001-00032-1** Status Report for Resolution R-2006-0276 (Control # 2001-032). Property Owner: Folke Peterson Center for Wildlife. General Location: Approximately 4,500 feet west of State Road 7/US 441 on the south side of Acme Road. Current Zoning: Agricultural Residential. **(Folke Peterson Center for Animal Welfare.)**

Pages: 4 - 7

Size: 28.02 acres ±

BCC District: 6

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

**D. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**E. ZONING APPLICATIONS - NEW**

- 6. **ABN-2009-02173** Title: a Development Order Abandonment application of Berghof Investments Inc by Land Design South Inc., Agent. Request: to abandon Resolution 77-951, which approved a special exception for a Planned Industrial Development

General Location: Approximately 0.25 miles east of Florida Turnpike along the north side of Southern Blvd, immediately west of 70th Drive N. **(Shoot Straight WPB)** (Control 1977-00107)

Pages: 8 - 10

Project Manager: Ora Owensby

Size: 1.49 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request to abandon the prior Special Exception to allow a Planned Industrial Park.

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon Resolution 77-951, which approved a Special Exception for a Planned Industrial Development.

7. **DOA-2009-02674** Title: a Development Order Amendment application of Atlantic Commons by Atlantic Commons Associates LLLP, Agent. Request: to reconfigure the Master Plan, change unit types, allow a model row, and modify and delete Conditions of Approval (PUD and Landscape).

General Location: Northeast corner of Atlantic Avenue and Florida Turnpike **(Atlantic Commons PUD)** (Control 2004-00525)

Pages: 11 - 53

Conditions of Approval (30 - 41)

Project Manager: Ora Owensby

Size: 124.20 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 49 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 reconfigure the previously approved Master Plan, change unit types, allow a model row and delete and amend PUD and Landscape conditions of approval subject to Conditions of Approval as indicated in Exhibit C.

8. **ZV/DOA/R-2009-02692** Title: a Development Order Amendment application of GPH Holdings LC by Ruden McClosky, Agent. Request: to reconfigure the site plan and add square footage

Title: a Requested Use of GPH Holdings LC by Ruden McClosky, Agent. Request: to allow a Place of Worship and Indoor Entertainment

General Location: Northeast corner of Palmetto Park Road and Oriole Country Road **(Loggers Run Commercial)** (Control 1975-00068)

Pages: 54 - 78

Conditions of Approval (67 - 74)

Project Manager: Joyce Lawrence

Size: 16.56 acres ±

BCC District: 5

(affected area 12.56 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 51 Conditions of Approval, as indicated in Exhibit C-2, and 4 Conditions of Approval, as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approval: 7-0

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

**MOTION:** To adopt a resolution approving a Requested Use to allow a Place of Worship and an Indoor Entertainment use subject to the Conditions of Approval as indicated in Exhibit C-3.



9. **DOA-2009-02691** Title: a Development Order Amendment application of Mission Lakes I LLC, Mission Lakes II LLC, Mission Lakes III LLC, Mission Lakes LLC , Target Corporation by Urban Design Kilday Studios, Agent. Request: to modify a Condition of Approval (Landscaping)

General Location: Northeast corner of SR7/US441 and Lantana Road (**Mission Lakes MUPD**) (Control 2003-00007)

Pages: 79 - 133

Conditions of Approval (94 - 108)

Project Manager: Carol Glasser

Size: 37.85 acres ±

BCC District: 2

(affected area 3.62 acres ±)

Staff Recommendation: Staff recommends approval subject to 87 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

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

10. **ZV/W/DOA-2008-01900** Title: a Waiver from Traditional Development District parking structures in the Agricultural Reserve Tier application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow surface parking in excess of 1 space per 250 square feet of non-residential floor area.

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 and 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: 134 - 185

Conditions of Approval (160 - 177)

Project Manager: Carol Glasser

Size: 88.33 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: Staff recommends approval of the Waiver subject to 5 Conditions of Approval as indicated in Exhibit C-2; and, approval of the Development Order Amendment subject to 78 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approval: 7-0

**MOTION:** To adopt a resolution approving a Waiver from Traditional Development District parking structures in the Agricultural Reserve Tier subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify and delete Conditions of Approval (Building and Site Design, Planning) subject to the Conditions of Approval as indicated in Exhibit C-3.

11. **W-2008-01529** Title: a Waiver from Dimensional Criteria application of dba Verizon Wireless by SBA Network Services Inc, Agent. Request: to allow a reduction of setbacks from the south and east property lines.

General Location: East of SR7/US441 between SW 3rd Street and SW 18th Street (**Verizon 68625**) (Control 2007-00347)

Pages: 186 - 232

Conditions of Approval (201 - 201)

Project Manager: Carol Glasser

Size: 148.77 acres ±

BCC District: 5

(affected area 0.04 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 3 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Waiver of Dimensional Criteria to allow a reduction of setbacks from the south and east property lines subject to the Conditions of Approval as indicated in Exhibit C.

**F. CORRECTIVE RESOLUTIONS**

12. To correct Zoning-Landscape Condition 6 of Exhibit C of Resolution R-2009-1229. (Control 2004-456) Villaggio PUD

Pages: 233 - 234

**MOTION:** To adopt a resolution to correct Zoning-Landscape Condition 6 of Exhibit C of Resolution R-2009-1229.

**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**

- 13. **STR-2001-00027-3** Status Report for Resolution R-2002-1254 (Control # 2001-027). Property Owner: True Tabernacle Ministries. General Location: north side of 2nd Avenue North, 1,600' east of Congress Avenue. Current Zoning: Residential Medium Density (**True Tabernacle**)

Pages: 235 - 238

Size: 5.24 acres ±

BCC District: 3

**DISCLOSURE**

**MOTION:** To approve a three-year time extension from July 25, 2009 to July 25, 2012 to commence development.

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

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

**H. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

14. **DOA-2009-00567** Title: a Development Order Amendment application of Montessori Academy of Early Enrichment 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: 239 - 267

Conditions of Approval (257 - 263)

Project Manager: Carrie Rechenmacher

Size: 13.58 acres  $\pm$

BCC District: 3

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the request subject to 46 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, add square footage, amend the number of students, and modify a Condition of Approval (Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

15. **DOA-2008-01672** Title: a Development Order Amendment application of Star Ranches Enterprises Inc by Mock Roos & Associates Inc, Agent. Request: to add land area and reconfigure the site plan.  
General Location: Located on the West side of US Highway 27, approximately 18 miles South of State Road 80. (**Star Ranch Excavation Expansion**) (Control 1978-00099)

Pages: 268 - 314

Conditions of Approval (286 - 290)

Project Manager: Joyce Lawrence

Size: 1,055.60 acres  $\pm$

BCC District: 6

(affected area 592.00 acres  $\pm$ )

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the request subject to 33 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 6-1, as amended

**MOTION:** To adopt a resolution approving a Development Order Amendment to allow an expansion of a Type III B Excavation, subject to the Conditions of Approval as indicated in Exhibit C.

**I. ZONING APPLICATIONS - NEW****J. ULDC AMENDMENTS**

16. STAFF RECOMMENDS A MOTION TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED.

Pages: 315 - 529

**MOTION:** TO ADOPT 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; 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**

17. [Request for Permission to Advertise](#): 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: AMENDING ARTICLE 5, SUPPLEMENTARY STANDARDS, CHAPTER G. DENSITY BONUS PROGRAMS, SECTION 2, TRANSFER OF DEVELOPMENT RIGHTS (TDR)-Special Density Program, CREATING SUBSECTION O, MORATORIUM ON ACCEPTANCE OF DEVELOPMENT APPLICATIONS SEEKING TO INCREASE DENSITY UTILIZING THE TDR PROGRAM, EXPIRING AT THE EARLIER OF THE FOLLOWING: ONE YEAR FROM THE EFFECTIVE DATE OF THIS ORDINANCE OR UPON THE EFFECTIVE DATE OF AMENDMENTS TO THE COMPREHENSIVE PLAN REGARDING TRANSFER OF DEVELOPMENT RIGHTS TO BE CONSIDERED IN AMENDMENT ROUND 10-1; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

Pages: 530 - 532

**MOTION:** Staff recommends a motion to approve on Preliminary Reading and to advertise for Adoption on December 8, 2009 at 9:30 a.m.

**END OF REGULAR AGENDA****DIRECTOR COMMENTS****A. EXECUTIVE DIRECTOR****B. COUNTY ATTORNEY****C. PLANNING DIRECTOR****D. ZONING DIRECTOR**

18. [Revised TDR Contract Forms](#)

Pages:

**COMMISSIONER COMMENTS****ADJOURNMENT**

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