



**PALM BEACH COUNTY ZONING COMMISSION
AMENDMENTS TO THE AGENDA
Thursday, May 7, 2009**

AGENDA

ITEM #/PAGE # APPLICATION / CHANGE

MOVE TO REGULAR AGENDA

- 5. PDD/R-2008-1913 Hagen Commercial MUPD
 (Control 2008-421)

AMENDMENTS TO THE CONSENT AGENDA

- 2. PDD-2008-1035 Morikami Park Nursing Center
 (Control 2008-133)

Amend Engineering Condition 3 to read as follows:

3. ...shall be designed to accommodate ~~accept~~ any historical drainage. ~~If R~~required, drainage easements...

- 4. PDD/DOA-2008-1536 Fogg South PUD
 (Control 2002-069)

Delete Amendment to School Board Condition 1 and add new reference as follows:

(CO: MONITORING Eng.) (Previous Condition J.1 of Resolution R-2003-0566 (PDD2002-069)) [NOTE: COMPLETED]

- 7. DOA-2008-1891 Arvida Turnpike Plaza
 (Control 1979-119)

Amend Architectural Review Condition 2 to read as follows:

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between ~~each~~ the external drive thru lane and the ATM lane of the Financial Institution Building, and as follows:
 Minimum width of ~~four~~ three (3) feet, excluding curbing;
 A planting area shall be provided at each end of the median and shall have a minimum ~~four~~ five (5) feet by ~~four~~ three (3) feet of planting area extended beyond the boundary of the overhead canopy;
 One (1) palm tree with a minimum ten (10) feet of grey-wood and appropriate ground cover shall be installed in each planting area; and,
 The remaining portion of the median shall be paved with decorative paving such as pre-cast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section.

Add Engineering Condition 14 to read as follows:

14. Prior to the issuance of the building permit for Parcel C as shown on Application DOA-2008-1891, the property owner shall abandon the utility and landscaping restrictions on Parcel F and re-plat Parcels C and F into one parcel. (BLDG PERMIT:MONITORING-Eng)

AMENDMENTS TO THE REGULAR AGENDA

5. **PDD/R-2008-1913 Hagen Commercial MUPD
(Control 2008-421)**

Delete Engineering Condition 7

9. **ZV/DOA-2008-01377 JFK Medical Center Charter School
(Control 2002-006)**

Amend Engineering Condition 6 to read as follows:

6. For a period of time equal to the lease agreement for the recreation area, the property owner shall ~~reserve~~ provide by warranty deed submitted to Palm Beach County Land Development Division for 40 feet of right of way from centerline of Davis Road as right of way. prior to the issuance of the first building permit or May 28, 2010, whichever shall occur first. Right of way reservation conveyance shall be along the additional recreation area added with Application ZV/DOA-2008-1377, and shall be free and clear of all encumbrances and encroachments. the base building line shall be established at this reservation line. Once notified by the County Engineer, the property owner shall have 90 days to dedicate the right of way, provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, by warranty deed submitted to Palm Beach County Land Development Division. Alternatively, if the charter school acquires title to the recreation area, the school shall dedicate 40 feet from the centerline of Davis Road, by warranty deed submitted to Palm Beach County Land Development Division, within 90 days of the purchase. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer additional right of way for Expanded Intersections and corner clips. (DATE/BLDG PERMIT ONGOING: MONITORING ENGINEERING - Eng)

Delete Engineering Condition 8

Delete Palm Tran Condition 1



**ORDER OF BUSINESS
ZONING COMMISSION
PALM BEACH COUNTY, FLORIDA**

THURSDAY MAY 7, 2009

9:00 A.M.

**Vista Center 1st Floor Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Adoption of the Minutes
- F. Swearing In
- G. Disclosures

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 ZONING COMMISSION

MAY 7, 2009

CALL TO ORDER

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, Pledge of Allegiance and Quasi-Judicial Notice
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center 1st Floor Hearing Room VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on Thursday, May 28, 2009 to take final action on the applications listed below.

NOTICE

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file.
- E. Adoption of the Minutes
- F. Swearing In - County Attorney
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 1. **ZV-2009-00970** Title: a Type II Variance application of Hippocrates Health Institute Of FI Inc by Miller Land Planning, Agent. Request: to allow 100% overlap of the utility easement with landscape buffers on the north property line.
General Location: West side of Skees Road, between Golden River Drive and Palmdale Road (**Hippocrates PUD Pod B**) (Control 1987-00032)

Pages

Project Manager: Anthony Wint

Size: 23.26 acres ±

BCC District: 2

(affected area 9.01 acres ±)

Staff Recommendation: To postpone thirty (30) days to Thursday June 4, 2009

MOTION: To postpone thirty (30) days to Thursday June 4, 2009

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 2. **PDD-2008-01035** Title: an Official Zoning Map Amendment to a Planned Development District application of Sixty Five Eighty Five 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 1 - 18

Conditions of Approval Pages (12 - 14)

Project Manager: Ora Owensby

Size: 7.28 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 17 Conditions of Approval as indicated on Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to conditions as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

- 3. **DOA-2008-00792** Title: a Development Order Amendment application of 1997 1951 by Siemon & Larsen P.A., Agent. Request: To modify/delete conditions of approval (Use Limitations and Engineering)

General Location: Southwest quadrant of the intersection of Military Trail and Forest Hill Boulevard (**Target Shopping Center - 10 Cent Bingo**) (Control 1981-00157)

Pages 19 - 44

Conditions of Approval Pages (30 - 34)

Project Manager: Joyce Lawrence

Size: 14.88 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to 26 conditions as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to modify/delete conditions of approval (Engineering and Use Limitation), subject to the Conditions as indicated in Exhibit C.

4. **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 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 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 45 - 95

Conditions of Approval Pages (62 - 77)

Project Manager: Joyce Lawrence

Size: 529.57 acres ±

BCC District: 5

(affected area 22.22 acres ±)

Staff Recommendation: Staff recommends approval of the request, subject to 63 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the preliminary master plan, to add land area, and to add units, subject to conditions as indicated in Exhibit C.

5. **PDD/R-2008-01913** Title: an Official Zoning Map Amendment to a Planned Development District application of William Mazzoni by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

Title: a Requested Use application of William Mazzoni by Land Design South Inc., Agent. Request: to allow a Restaurant Type II

General Location: Northeast corner of Boynton Beach Boulevard and Hagen Ranch Road (**Hagen Commercial MUPD**) (Control 2008-00421)

Pages 96 - 117

Conditions of Approval Pages (110 - 113)

Project Manager: Joyce Lawrence

Size: 7.92 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 21 Conditions of Approval as found in Exhibit C.

MOTION: To recommend approval of an official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to conditions as indicated in Exhibit C.

MOTION: To recommend approval of a Requested Use to allow a Restaurant, Type II.

6. **CA-2008-01188** Title: a Class A Conditional Use application of Rey De Reyes King Of Kings Inc by Land Research Management Inc., Agent. Request: to allow a Place of Worship
General Location: Approximately 1200 feet east of Seminole Pratt Whitney Road on the south side of Okeechobee Boulevard **(King of Kings)** (Control 2008-00222)

Pages 118 - 143

Conditions of Approval Pages (133 - 135)

Project Manager: Ronald Sullivan

Size: 1.00 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to twenty (20) Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a place of worship subject to the Conditions as indicated in Exhibit C.

7. **DOA-2008-01891** Title: a Development Order Amendment application of GR 305 LLC GR 470 LLC GR 2902 LLC and by Land Design South Inc., Agent. Request: to reconfigure the Site Plan
General Location: Northeast corner of Florida's Turnpike and Glades Road. **(ARVIDA TURNPIKE PLAZA)** (Control 1979-00119)

Pages 144 - 170

Conditions of Approval Pages (159 - 162)

Project Manager: Anthony Wint

Size: 1.00 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to twenty six (26) Conditions of Approval as indicated in Exhibit C.

MOTION: to recommend approval of a Development Order Amendment to reconfigure the site plan subject to conditions of approval as indicated in Exhibit C.

8. **ZV-2009-00991** Title: a Type II Zoning Variance application of Boynton Beach Associates XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow construction of Plaza #2 including required landscaping after the issuance of any certificate of occupancies
General Location: Southeast Corner of Lyons Road and Boynton Beach Boulevard **(Canyon Town Center TMD)** (Control 2004-00471)

Pages 171 - 183

Conditions of Approval Pages (183 - 183)

Project Manager: Monica Cantor

Size: 37.55 acres ±

BCC District: 5

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

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow construction of Plaza #2 including required landscaping after the issuance of any certificate of occupancies, subject to conditions as indicated in Exhibit C.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**

- 9. **ZV/DOA-2008-01377** Title: a Type II Zoning Variance application of Bright Horizons Childrens Ctr Inc Lessor by Richard W. Carlson Jr Esq, Agent. Request: to eliminate the incompatibility buffer (north 135 feet of the east property line)
Title: a Development Order Amendment application of Bright Horizons Childrens Ctr Inc Lessor by Richard W. Carlson Jr Esq, Agent. Request: to add land area and reconfigure the site plan
General Location: Northeast quadrant of Davis Road and Melalueca Lane fronting on Davis Road (**JFK Medical Center Charter School**) (Control 2002-00006)

Pages 184 - 222

Conditions of Approval Pages (201 - 208)

Project Manager: Carol Glasser

Size: 7.16 acres ±

BCC District: 3

(affected area 0.96 acres ±)

Staff Recommendation: Staff recommends denial of the Type II Variance. Staff recommends approval of the Development Order Amendment subject to 42 conditions of approval indicated in Exhibit C. If the Zoning Commission approves the Variance, Staff recommends the approval be subject to 5 conditions of approval indicated in Exhibit C-1.

MOTION: To adopt a resolution denying a Type II Variance to eliminate the incompatibility buffer (north 135 feet of the east property line).

MOTION: To recommend approval of a Development Order Amendment to add land area and reconfigure the site plan subject to the conditions indicated in Exhibit C.

END OF REGULAR AGENDA

DIRECTOR COMMENTS

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. EXECUTIVE DIRECTOR**

COMMISSIONER COMMENTS

ADJOURNMENT