



**PALM BEACH COUNTY ZONING COMMISSION
AMENDMENTS TO THE AGENDA
Thursday, September 3, 2009**

AGENDA

ITEM #/PAGE # APPLICATION / CHANGE

POSTPONE (30 Days)

- 5. (43-87) PDD/TDR-2008-1907 Southern Trails PUD
 (Control 2003-501)

- 10. (202-223) ZV-2009-2685 Vista Center Parcel 23-Supparcel 5
 (Control 1984-130)

AMENDMENTS TO THE CONSENT AGENDA

- 8. (138-170) DOA/CA-2008-1358 Stop & Shop
 (Control 1999-029)

Amend Design Condition 1 to read as follow

Total gross floor area shall be limited to a maximum of 7,980 square feet with the following breakdown:

- a. convenience store with gas 54,000 square feet (12 fueling stations);
- b. accessory car wash- 968 square feet ~~and~~;
- ~~c.~~ office, business or professional - 2,012 ~~3,980~~ square feet;

Prior to final approval by the Development Review Officer (DRO), the owner shall revise the final site plan to reflect a total square footage of not more than 7,980 square feet. (DRO: ZONING - Zoning)

Amend Engineering Condition 1 and 2 as follow

~~4~~2.b. No building permits for the site shall be issued after December 31, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

~~25~~25.b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy (CO: MONITORING - Eng)

MOVE TO REGULAR AGENDA AND AMEND

9. (3-25) DOA-2009-0567 Montessori Academy
(Control 1973-216)

Amend Engineering Conditions 6 – 8 as follows

6. The Church shall provide 10 foot safe sight triangles at each of the driveways along the south side of Tall Pines Drive.

a. All plantings and encroachments into the 10 foot safe sight triangles shall be removed prior to October 29, 2009. (DATE: MONITORING-Eng)

b. The Church shall be responsible for maintaining the sight areas to prevent the church's vegetation from blocking the safe sight distance. The Church shall be responsible for all costs associated with the clearing and maintenance of these sight triangles. (ONGOING: CODE ENF-Eng)

7. The property owner shall install traffic calming devices including, at a minimum, at least two 20 mph speed limit signs, along Tall Pines Drive.

a. Traffic calming devices shall be shown on the site plan prior to final DRO approval. (DRO:ENGINEERING-Eng)

b. Traffic calming devices shall be installed prior to March 1, 2010. (DATE:MONITORING-Eng)

8. The grades along Tall Pines Drive shall be modified to prevent road drainage from discharging to offsite properties. Any improvements requiring offsite work shall be subject the Church obtaining the appropriate easements.

a. The church shall provide a drainage study indicating how road drainage will be accommodated prior to final site plan approval by the DRO. (DRO: ENGINEERING-Eng)

b. Any improvements required shall be completed prior to March 1, 2010. (DATE:MONITORING-Eng)

Amend Landscape Condition 7 c. to read as follows:

c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of ~~sixty (60)~~ ninety (90) feet between clusters; and,



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

THURSDAY SEPTEMBER 3, 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

SEPTEMBER 3, 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 Tuesday, September 29, 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/DOA-2008-01900** Title: a Type II Zoning Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to eliminate the percentage of transparency for the building design of Building I (Theater and Bowling Alley).

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

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

Pages 1 - 1

Project Manager: Carol Glasser

Size: 88.33 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: Staff recommends to postpone 30 days to October 1, 2009.

MOTION: To postpone 30 days to October 1, 2009.

B. REMANDS

C. WITHDRAWALS

- 2. **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 2 - 2

Project Manager: Joyce Lawrence

Size: 529.57 acres ±

BCC District: 5

(affected area 22.22 acres ±)

Staff Recommendation: To be withdrawn.

MOTION: None required. Withdrawn by applicant.

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

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

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

Pages 3 - 25

Conditions of Approval Pages (16 - 21)

Project Manager: Anthony Wint

Size: 13.58 acres ±

BCC District: 3

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

MOTION: To recommend approval of 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.

- 4. **ZV-2009-00557** Title: Type II Variance application of Angelo Bartolome by South East Architect Services Inc, Agent. Request: to allow a reduction in the minimum lot size.

General Location: North of Military Trail, at the intersection of Military Trail and Old Military Trail. **(Sunshine Medical Office Building)** (Control 2004-00956)

Pages 26 - 42

Conditions of Approval Pages (35 - 35)

Project Manager: Joyce Lawrence

Size: 0.99 acres ±

BCC District: 3

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

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction of the lot size subject to the Conditions of Approval as indicated in Exhibit C.

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

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

Pages 43 - 87

Conditions of Approval Pages (72 - 79)

Project Manager: Ora Owensby

Size: 21.80 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 42 conditions of approval as indicated in Exhibit C-1 and 9 conditions of approval in Exhibit C-2.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to conditions of approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use to allow the Transfer of Development Rights for 89 units, designate the subject property as the receiving area, and approve the reduced cost of \$1.00 per unit for the Transfer of Development Rights units subject to conditions of approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

6. **ZV-2009-02687** Title: a Type II Zoning Variance application of Lost Tree by Land Design South Inc., Agent. Request: to allow a reduction in the number of parking spaces, the right-of-way landscape buffer width along the south property line, the number of shrub layers in the right-of-way buffer along the south property line; and, to allow a easement overlap in the west landscape buffer greater than 5 feet.

General Location: On the east side of State Road No. A1A, directly between Village Road and Beach Club Way. **(Lost Tree Village)** (Control 1973-00030)

Pages 88 - 122

Conditions of Approval Pages (100 - 101)

Project Manager: Donna Adelsperger

Size: 0.62 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests, subject to 5 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving four Type II Zoning Variances to allow a reduction in the required number of parking spaces; to allow a reduction in the required right-of-way landscape buffer width on the south property line; to allow a reduction in the required number of shrub layers in the right-of-way buffer on the south property line and to allow an existing utility easement overlap in the west landscape buffer greater than 5 feet subject to the Conditions of Approval as indicated in Exhibit C.

7. **Z-2008-01886** Title: an Official Zoning Map Amendment application of Charlie Lowe by Smiley & Associates Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District.

General Location: Approximately 1000 feet north of Southern Boulevard on the east side of Pike Road. (**340 Pike Road**) (Control 2008-00249)

Pages 123 - 137

Conditions of Approval Pages (133 - 134)

Project Manager: Andrea Harper

Size: 1.09 acres \pm

BCC District: 6

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

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

8. **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/delete conditions of approval

Title: a Class A Conditional Use application 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 138 - 170

Conditions of Approval Pages (157 - 166)

Project Manager: Anthony Wint

Size: 5.10 acres \pm

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 41 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to add square footage, reconfigure site plan and to modify and delete conditions of approval (Architectural Review, Building and Site Design, Use Limitations, Engineering, Landscape, Health and Sign) subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow for the expansion of the previously approved Convenience Store with Gas Sales.

- 9. **DOA/TDR-2009-00218** Title: a Development Order Amendment application of Town Commons Acquisition Llc by CMS Engineering LLC, Agent. Request: to modify the Master Plan, change unit types, add units, reconfigure the site plan, and modify 3 Conditions of Approval (Engineering and Planned Unit Development)
Title: a Transfer of Development Rights application of Town Commons Acquisition Llc by CMS Engineering LLC, Agent. Request: to allow the transfer of development rights for 28 units, designate this site as a receiving area, and to reduce the Transfer of Development Rights price to \$1.00 per unit.
General Location: Northeast corner of Lyons Road and Hypoluxo Road (**Town Commons PUD**) (Control 2004-00247)

Pages 171 - 201

Conditions of Approval Pages (188 - 197)

Project Manager: Anthony Wint

Size: 20.84 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests, subject to 44 Conditions of Approval as indicated in Exhibit C-1 and 6 TDR Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to modify the Master Plan, change unit types, add units, reconfigure the site plan and modify 3 Conditions of Approval (Engineering and Planned Unit Development) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Transfer of Development Rights to allow the approval of a requested use to allow the transfer of development rights for 28 units, designate this site as a receiving area, and to reduce the Transfer of Development Rights price to \$1.00 per unit subject to the Conditions of Approval as indicated in Exhibit C-2.

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**

10. **ZV-2009-02685** Title: a Type II Variance application of Richard Fulcher by Land Design South Inc., Agent. Request: to allow a reduction in required parking spaces.

General Location: Approximately 0.5 miles east of the intersection of Okeechobee Blvd. and Jog Road. **(Vista Center Parcel 23 - Subparcel 5)** (Control 1984-00130)

Pages 202 - 223

Conditions of Approval Pages (213 - 213)

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Type II Variance to allow a reduction in required parking spaces, subject to 5 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in required parking spaces, subject to 5 Conditions of Approval as indicated in Exhibit C.

END OF REGULAR AGENDA

DIRECTOR COMMENTS

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

11. Zoning Commission Minutes

Staff has revised the standard format of the minutes to follow the Robert's Rules for minute taking, saving staff time and mistakes in summary.

Pages

MOTION: No motion is required

- C. EXECUTIVE DIRECTOR**

COMMISSIONER COMMENTS

ADJOURNMENT