



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

April 1, 2010

**AGENDA ITEM #
PAGE #**

APPLICATION/CHANGE

MOVE TO CONSENT AGENDA

AMENDMENTS

- | | | | |
|----|--------|--|------------------------|
| 1. | (1-61) | ZV/DOA/R/W-2009-4750
(Control 2004-471) | Canyon Town Center TMD |
|----|--------|--|------------------------|

Amend Architectural Review Condition 7.c. to read as follows:

- c. change the roof material for the same finish material and compatible color used on all towers of the development. (DRO:ARCH REVIEW - Zoning)

Amend Palm Tran Conditions 1 and 2 to read as follows:

- 1. ... [Note: COMPLETED]
- 2. ... [Note: COMPLETED]

Amend School Board Condition 2 to read as follows:

- 2. Condition SCHOOL BOARD 2 of Resolution R-2008-0117, Control 2004-471, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board) (~~Previous Conditions SCHOOL BOARD 2 of Resolution R-2008-0117, Control No. 2004-471~~)

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO) for a residential unit, the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

Amend DRO-Monitoring Condition 9 to read as follow:

9. The property owner shall submit a five (5) year monitoring report in a form determined by the Zoning Director on July 1, 2014. The report shall record the last five (5) year site activities. The Zoning Director shall schedule an ~~Administrative Inquiry~~ a Status Report update to the Board of County Commissioners (BCC) to discuss ongoing status of the project to ensure consistency with the BCC's approval. (DATE: MONITORING Zoning) This condition is applicable to Palm Beach Aggregates only.]

Amend Engineering Condition 4 to read as follow:

4. ...dedication of Okeechobee Blvd as provided for in E1 ~~E2~~ above...



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

THURSDAY APRIL 1, 2010

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

APRIL 1, 2010

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, April 22, 2010 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

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**
- D. ZONING APPLICATIONS - NEW**
- E. CORRECTIVE RESOLUTIONS**
- F. SUBDIVISION VARIANCE**

END OF CONSENT AGENDA

REGULAR AGENDA

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

1. **ZV/DOA/R/W-2009-04750** Title: a Type II Zoning Variance application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to reduce the number of required garages for a three-story multi-family building; to increase the maximum percentage for square footage for free standing structures; and to eliminate interior buffer between non-residential and residential uses
Title: a Development Order Amendment application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to reconfigure Site Plan, to relocate a plaza, to modify uses, and to reduce square footage.
Title: a Requested Use application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow a Daycare, General.
Title: a Waiver application of Boynton Beach Association XVIII LLLP by Urban Design Kilday Studios, Agent. Request: to allow a Block Structure waiver.
General Location: Southeast corner of Lyons Road and Boynton Beach Boulevard. **(Canyon Town Center TMD)** (Control 2004-00471)

Pages 1 - 61

Conditions of Approval Pages (41 - 55)

Project Manager: Monica Cantor

Size: 37.55 acres ±

BCC District: 5

(affected area 26.75 acres ±)

Staff Recommendation: Staff recommends denial of the Block Structure Waiver. Staff recommends approval of the Type II Variance to reduce the number of garages for the multi-family building, elimination of the interior buffer between non-residential and residential uses and to allow an increase in the percentage for freestanding structures to 25%; approval of the Development Order Amendment; and approval of a Requested Use subject to 76 conditions as indicated in Exhibit C-1, C-2 and C-3.

MOTION: To adopt a resolution approving a Type II Variance to reduce the number of garages for the multi-family building, elimination of the interior buffer between non-residential and residential uses and to allow an increase in the percentage for freestanding structures to 25% subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure Site Plan, relocate a plaza, modify uses, and reduce square footage subject to the conditions of approval as in Exhibit C-2.

MOTION: To recommend approval of a Requested Use to allow a Daycare, General subject to the conditions of approval as indicated in Exhibit C-3.

MOTION: To recommend denial of a Waiver to allow a Block Structure Waiver for Block 5.

- 2. **DOA/TDR-2009-03950** Title: a Development Order Amendment application of Windsor Place Acquisition LLC by Miller Land Planning, Agent. Request: to reconfigure the Master and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscaping, Zoning), and restart the development clock.

Title: a Transfer of Development Rights application of Windsor Place Acquisition LLC by Miller Land Planning, Agent. Request: to allow the approval of a Requested Use for the Transfer of Development Rights (TDR) which would add 28 units and to reduce the TDR price to \$1.00 per unit.

General Location: Northwest corner of Hypoluxo Road and Lyons Road. **(Windsor Place MXPB)** (Control 2003-00079)

Pages 62 - 108

Conditions of Approval Pages (89 - 104)

Project Manager: Carol Glasser

Size: 40.00 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 49 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscaping, Zoning), and restart the development clock subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use for the Transfer of Development Rights (TDR) which would add 28 units, and to reduce the TDR price to \$1.00 per unit subject to the Conditions of Approval as indicated in Exhibit C-2.

- 3. **DOA-2009-04539** Title: a Development Order Amendment application of Palm Beach Aggregates LLC by Carlton Fields P.A., Agent. Request: to add land area and to reconfigure the site plan

General Location: Approximately 3 miles west of Seminole Pratt and Whitney Road, on the north side of SR 80. **(Palm Beach Aggregates Excavation Expansion)** (Control 1989-00052)

Pages 109 - 173

Conditions of Approval Pages (131 - 151)

Project Manager: Joyce Lawrence

Size: 5,128.15 acres ±

(affected area 2,393.42 acres ±)

Staff Recommendation: Staff recommend approval of the request subject to 86 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to add land area and to reconfigure the site plan.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

4. [Zoning Commission Annual Workshop](#)

Pages 174 - 187

MOTION:

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT

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