



PALM BEACH COUNTY ZONING COMMISSION

AMENDMENTS TO THE AGENDA

Friday, January 8, 2010

AGENDA

ITEM #/PAGE # APPLICATION / CHANGE

AMENDMENTS TO THE REGULAR AGENDA

- 3. (16-50) **Z/COZ-2009-3936** MPC III Turnpike Business Park
 (Control 2002-011)

Amend Engineering Conditions to read as follows:

15. ...shall be legally subdivided to reflect the deletion of the 9.02 acre Fun Depot Parcel...

16. Any further subdivision of this parcel will require each lot to have frontage on a local street, as required by Article 11. (ONGOING: ENGINEERING-Eng)

Amend Landscaping Conditions to read as follows:

LANDSCAPE – PERIMETER - EAST PROPERTY LINE ABUTTING RESIDENTIAL

- 1. Prior to final approval by the Development Review Officer (DRO), the Site ~~Plan~~ and Regulating Plans shall be revised to indicate an twenty (20) foot wide Type III incompatibility buffer that is in compliance with the landscape requirements of Art. 3.B.10.F.3 and Art. 7 along the east property line abutting residential use. Compliance with this condition will not prohibit the property owner from requesting a variance or an alternative acceptable to the Zoning Director from ~~perimeter landscape buffers along the east property line~~ Code requirements of Art. 3.B.10. Palm Beach International Airport Overlay and Art. 7, Landscaping of the Unified Land Development Code. (DRO: ZONING - Zoning)

LANDSCAPE – PERIMETER - RIGHT-OF-WAY BUFFER EAST SIDE OF CLEARY ROAD

- 2. Prior to final approval by the Development Review Officer (DRO), the Site ~~Plan~~ and Regulating Plans shall be revised to indicate a fifteen (15) foot right-of-way buffer that is in compliance with the landscape requirements of Art. 3.B.10.F.3 and Art. 7 along the east side of Cleary Road. Compliance with this condition will not prohibit the property owner from requesting a variance from the right-of-way buffer along the east side of Cleary Road or an alternative acceptable to the Zoning Director from Code requirements of Art. 3.B.10.F.3 Palm Beach International Airport Overlay and Art. 7, Landscaping of the Unified Land Development Code. (DRO: ZONING - Zoning)

LANDSCAPE – PERIMETER – MANDATORY LANDSCAPE BARRIER EAST PROPERTY LINE ABUTTING RESIDENTIAL

- 3. Delete in entirety.

4. (51-81) **Z/COZ-2009-2170** Fun Depot
(Control 2009-2465)

Amend Landscape Condition 3 to read as follows:

LANDSCAPE – INTERIOR

3. A minimum 5-foot wide planting area shall be provided adjacent to the 5-foot high wall between Building #1 and Building #2. Areca palms a minimum of 8-feet high at time of planting or an acceptable alternative to the Landscape Section shall be installed to create a solid opaque vegetative screen. (ONGOING: LANDSCAPING – Landscaping)

Amend Use Limitations Condition 1 to read as follows:

USE LIMITATIONS

1. Prior to Certificate of Completion for the go-cart track, either the Certificate of Completion for Building #2 is required; or, a five (5)-foot high wall and a minimum five (5)-foot wide planting area with areca palms a minimum of eight (8) feet in height at time of planting (or other planting alternative acceptable to the Landscape Section) shall be installed along the east perimeter of the go-cart track to obstruct the go-cart noise from residential uses.(CC: BUILDING – Building)

Add Use Limitations Conditions 4 – 7

USE LIMITATIONS

4. Hours of construction activity during all stages of site development shall be limited to 7:00 AM to 6:00 PM Monday through Friday, and 9:00 AM to 4:00 PM Saturday. Construction activity shall be prohibited on Sunday and statutory holidays. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS – OUTDOOR ENTERTAINMENT

5. Hours of business operation shall be limited to: 7:00 AM to 9:00 PM Sunday through Thursday and 10:00 AM to 11:00 PM Friday and Saturday. (ONGOING: CODE ENF – Zoning)

USE LIMITATIONS – OUTDOOR ENTERTAINMENT

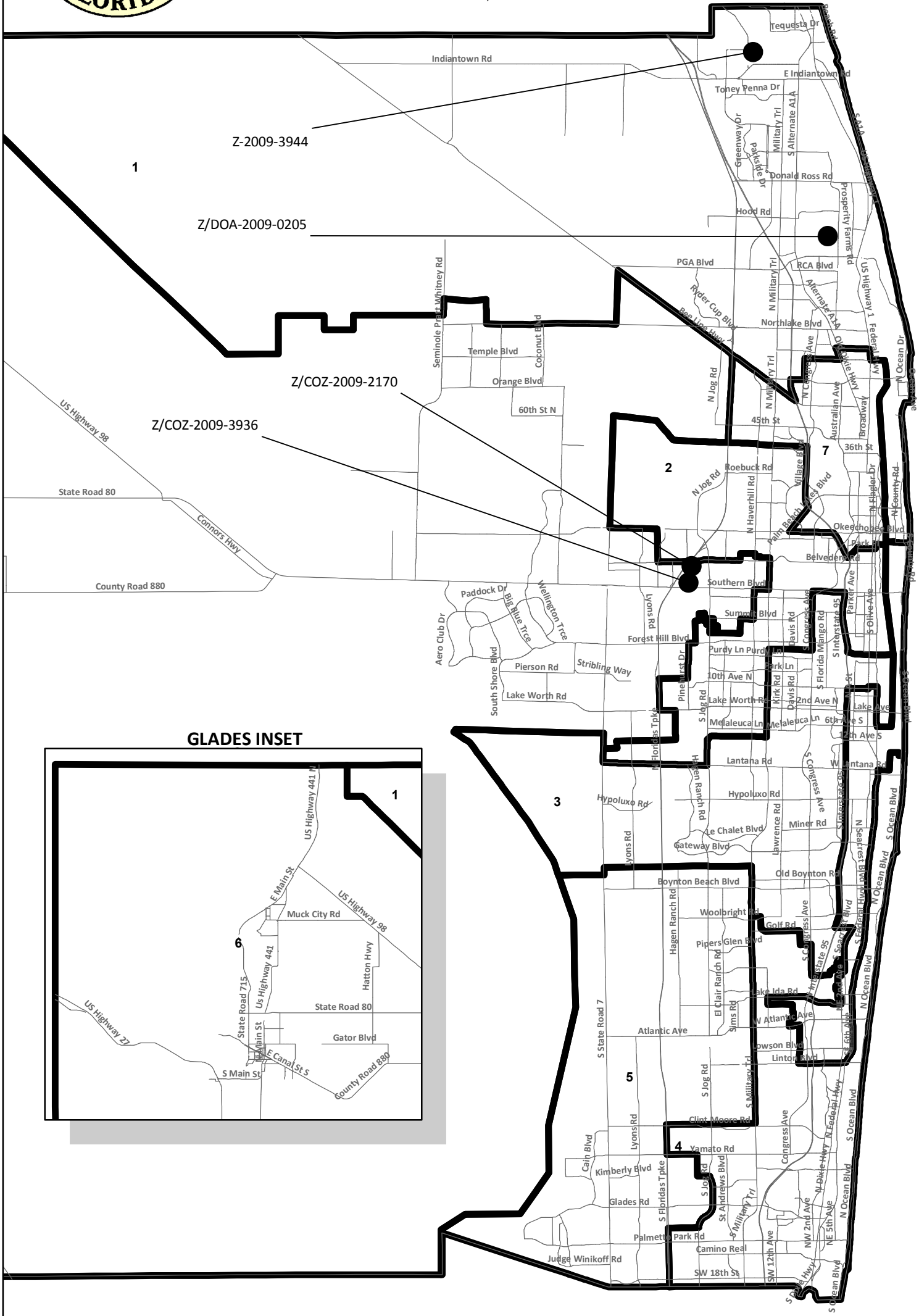
6. Prior to or on July 1, 2011 and again in six (6) months, the property owner shall submit sound level records and documentation to confirm compliance with Unified Land Development Code (ULDC) Table 5.E.4.B-14, Maximum Sound Levels to the Monitoring Section of the Planning, Zoning and Building Department. Sound Level Measurement Compliance shall be determined in accordance with ULDC Article 5.E.4.B.2.a. Maximum Sound Levels to the nearest residential property line. (DATE: MONITORING – Zoning)

USE LIMITATIONS – OUTDOOR ENTERTAINMENT

7. Prior to the issuance of the Certificate of Occupancy (CO) for Building #1, the Building Division shall notify the Zoning Director of the date of the CO. The Zoning Director shall schedule a Status Report to the Board of County Commissioners within one (1) year of the CO to provide an update on the status of the Outdoor Entertainment use and any code enforcement issues reported from the adjacent residential properties related to noise associated with the outdoor activities of this use. (CO: BUILDING – Zoning)



**PALM BEACH COUNTY
ZONING COMMISSION
PUBLIC HEARING
FRIDAY, January 8, 2010**
9:00 A.M. in the VISTA CENTER COMPLEX
2300 N. Jog Road, Room VC-1W-47
1st Floor Extra Large Hearing Room
West Palm Beach, FL 33411



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.

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

FRIDAY JANUARY 8, 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

JANUARY 8, 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, January 28, 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

- 1. **Z/DOA-2009-00205** Title: an Official Zoning Map Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District.

Title: a Development Order Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to reconfigure the site plan.

General Location: Northwest corner of Lone Pine Road and Prosperity Farms Road **(Maranatha Church)** (Control 1973-00160)

Pages 1 - 1

Project Manager: Carol Glasser

Size: 12.47 acres ±

BCC District: 1

Staff Recommendation: To recommend postponement of the application to February 4, 2010.

MOTION: To postpone the application to February 4, 2010.

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**

2. **Z-2009-03944** Title: an Official Zoning Map Amendment application of Pennock Point Estate LLC by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District.

General Location: Southeast side of Pennock Point Road south of Old Fort Jupiter Road (**Pennock Point**) (Control 2009-02233)

Pages 2 - 15

Conditions of Approval Pages (11 - 11)

Project Manager: Carol Glasser

Size: 1.90 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone subject to 3 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone subject to the Conditions of Approval 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

3. [Z/COZ-2009-03936](#) Title: an Official Zoning Map Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Industrial Light (IL) Zoning District.

General Location: South of Belvedere Road on the west side of Cleary Road (**MPC III Turnpike Business Park**) (Control 2002-00011)

Pages 16 - 50

Conditions of Approval Pages (40 - 45)

Project Manager: Carol Glasser

Size: 38.80 acres ±

BCC District: 6

(affected area 25.86 acres ±)

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment with a Conditional Overlay Zone subject to 40 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Industrial Light (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

4. [Z/COZ-2009-02170](#) Title: an Official Zoning Map Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Commercial Recreation (CRE) Zoning District

General Location: Southwest corner of Belvedere Road and Cleary Road. (**Fun Depot**) (Control 2009-02465)

Pages 51 - 81

Conditions of Approval Pages (72 - 74)

Project Manager: Carol Glasser

Size: 9.02 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment with a Conditional Overlay Zone subject to 27 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Commercial Recreation (CRE) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

- E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

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

COMMISSIONER COMMENTS

ADJOURNMENT

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