



**PALM BEACH COUNTY ZONING COMMISSION
AMENDMENTS TO THE AGENDA
Thursday, March 4, 2010**

AGENDA

ITEM #/PAGE # APPLICATION / CHANGE

AMENDMENTS TO THE CONSENT AGENDA

- 2. **(45-66)** **Z-2009-4545** **Tidal Wave Central**
 (Control 2007-236)

Amend Engineering Conditions to read as follows:

3. ... The construction shall include a 5 foot pedestrian sidewalks along ~~both~~ the north sides of the road

- 3. **(67-83)** **Z -2009-4543** **Tidal Wave South**
 (Control 2009-2434)

Amend Engineering Conditions to read as follows:

3. ... The construction shall include a 5 foot pedestrian sidewalks along ~~both~~ the north sides of the road

AMENDMENTS TO THE REGULAR AGENDA

Move to Regular Agenda (applicant's request)

- 5. **(100-120)** **ABN/Z/CA-2009-4537** **Holland Northlake Dayschool**
 (Control 1998-052)

Amend All Petitions Conditions to read as follow:

- ~~1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved preliminary site plan is dated December 28, 2009. All modifications to the development order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet conditions of approval. (DRO: ZONING - Zoning)~~
- 1. Development of the site shall be generally consistent with the preliminary site plan dated December 28, 2009 and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners. (ONGOING: ZONING-Zoning)

9. (204-256) ZV/DOA-2009-2681 Hatties Landing
(Control 1984-159)

Exhibit C-1 (Variance)

Add new Use Limitation Condition 3:

USE LIMITATIONS-LIVE ENTERTAINMENT

3. Live entertainment or live bands operating outdoors shall continue no later than 11:00 PM. (ONGOING:CODE ENF-ZONING)

Exhibit C-2 (DOA)

Revise Use Limitation Condition 2

USE LIMITATIONS-DRUM CIRCLE

~~2. The Drum Circle that gathers on Thursday nights or any other night shall continue no later than 9:30 PM. (ONGOING:CODE ENF-ZONING)~~

2. A Drum Circle shall not be permitted to gather or perform at this location. (ONGOING:CODE ENF-ZONING)



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

THURSDAY MARCH 4, 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

MARCH 4, 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 Wednesday, March 31, 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**

1. **DOA/W-2009-04276** Title: a Development Order Amendment application of Boca Raton Associates VI LLLP, Palm Beach County, Pontano Family Farms LLC, South Florida Water Management District by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master Plan, designate a model row, increase the number of dwelling units by 48 to 602, modify and delete Conditions of Approval (Planning, Planned Unit Development) and, restart the development clock
General Location: East side of Lyons Road between Atlantic Avenue and Clint Moore Road (**Dubois AGR PUD**) (Control 2004-00250)

Pages 1 - 44

Conditions of Approval Pages (24 - 34)

Project Manager: Carol Glasser

Size: 722.64 acres ±

BCC District: 5

(affected area 280.91 acres ±)

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 37 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, designate a model row, increase the number of dwelling units by 48 to 602, modify and delete Conditions of Approval (Planning, Planned Unit Development) and, restart the development clock subject to the Conditions of Approval as indicated in Exhibit C.

2. **Z-2009-04545** Title: an Official Zoning Map Amendment application of Tidal Wave Development Corp by Urban Design Kilday Studios, Agent. Request: To allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ).
General Location: Northwest corner of Tall Pines Road and Wallis Road (**Tidal Wave Central**) (Control 2007-00236)

Pages 45 - 66

Conditions of Approval Pages (58 - 61)

Project Manager: Andrea Harper

Size: 18.22 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 14 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommended approval of an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) 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.

3. **Z-2009-04543** Title: an Official Zoning Map Amendment application of Tidal Wave Development Corp by Urban Design Kilday Studios, Agent. Request: To allow for a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ).
General Location: North side of Southern Boulevard, approximately .25 miles west of Tall Pines Road (**Tidal Wave South**) (Control 2009-02434)

Pages 67 - 83

Conditions of Approval Pages (77 - 79)

Project Manager: Andrea Harper

Size: 4.81 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 12 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow for a rezoning from the Multiple Use Planned Development (MUPD) 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.

4. **Z-2009-04544** Title: an Official Zoning Map Amendment application of Tidal Wave Management Corp Inc by Urban Design Kilday Studios, Agent. Request: To allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ).
General Location: Southwest corner of Tall Pines Road and the LWDD L-4 Canal (**Tidal Wave North**) (Control 2009-02435)

Pages 84 - 99

Conditions of Approval Pages (94 - 95)

Project Manager: Andrea Harper

Size: 18.55 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request to 12 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) 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.

- 5. **ABN/Z/CA-2009-04537** Title: a Development Order Abandonment application of Holland Northlake by Urban Design Kilday Studios, Agent. Request: to allow a Legislative Abandonment of Resolution No. R-98-1796 for a private school.
Title: an Official Zoning Map Amendment application of Holland Northlake by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential Estates (RE) Zoning District to the Residential Transitional (RT) Zoning District.
Title: a Class A Conditional Use application of Holland Northlake by Urban Design Kilday Studios, Agent. Request: to allow a Daycare, General.
General Location: South side of Northlake Blvd., approximately 600 feet West of Military Trail. (**Holland Northlake Dayschool**) (Control 1998-00052)

Pages 100 - 120

Conditions of Approval Pages (114 - 116)

Project Manager: Ora Owensby

Size: 2.13 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 18 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of the request to allow a Legislative Abandonment of Resolution No. R-98-1796 for a private school.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Estates (RE) Zoning District to the Residential Transitional (RT) Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow a Daycare, General, subject to 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

6. **DOA/R-2009-00995** Title: a Development Order Amendment application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to modify the site plan

Title: a Requested Use application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow a Day Care, General

General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages 121 - 154

Conditions of Approval Pages (136 - 149)

Project Manager: Joyce Lawrence

Size: 23.85 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 67 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 the Development Order Amendment to reconfigure the site plan subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Requested Use to allow a Day Care, General subject to Conditions of Approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

7. **ABN/DOA-2009-03922** Title: a Development Order Abandonment application of C Bruce Pearson by Cotleur & Hearing Inc., Agent. Request: to abandon Resolutions R-2006-0523 which granted the Transfer Development Rights (TDR) and R-2006-0742, the corrective resolution
Title: a Development Order Amendment application of C Bruce Pearson by Cotleur & Hearing Inc., Agent. Request: to allow reconfiguration of the preliminary master plan, deletion of land area, reduction of units, and modify conditions of approval
General Location: East side of Hagen Ranch Road approximately 1.5 miles south of Boynton Beach Boulevard (**Wyndsong Ranch PUD**) (Control 2005-00452)

Pages 155 - 178

Conditions of Approval Pages (169 - 174)

Project Manager: Joyce Lawrence

Size: 8.94 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 20 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment of Resolutions R-2006-0523 which granted the Transfer Development Rights (TDR) and R-2006-0742, the corrective resolution.

MOTION: To recommend approval of a Development Order Amendment to allow the reconfiguration of the preliminary master plan, deletion of land area, reduction of units, and modify conditions of approval subject to Conditions of Approval as indicated in Exhibit C.

8. **PDD/R-2009-03923** Title: an Official Zoning Map Amendment to a Planned Development District application of C Pearson by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
Title: a Requested Use application of C Pearson by Cotleur & Hearing Inc., Agent. Request: to allow a Congregate Living Facility, Type III
General Location: On the east side of Hagen Ranch Road approximately 1.5 miles South of Boynton Beach Boulevard (**Gardens Park Assisted Living**) (Control 1997-00075)

Pages 179 - 203

Conditions of Approval Pages (196 - 199)

Project Manager: Joyce Lawrence

Size: 7.50 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1 and 11 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Requested Use to allow a Congregate Living Facility, Type III subject to the Conditions of Approval as indicated in Exhibit C-2.

- 9. **ZV/DOA-2009-02681** Title: a Type II Zoning Variance application of Christopher Doyle by Gary M. Brandenburg and Associates, Agent. Request: to allow extended hours of operation for a commercial use adjacent to a residential zoning district; to allow easement overlap into the right-of-way buffer; to allow reduction of a right-of-way buffer; and to allow a reduction of a Type III Incompatibility buffer.
Title: a Development Order Amendment application of Christopher Doyle by Gary M. Brandenburg and Associates, Agent. Request: to reconfigure site plan
General Location: Southwest corner of PGA Blvd and Ellison Wilson Road (**Hatties Landing**) (Control 1984-00159)

Pages 204 - 256

Conditions of Approval Pages (229 - 232)

Project Manager: Carrie Rechenmacher

Size: 3.73 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 20 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow extended hours of operation for a commercial use adjacent to a residential zoning district; to allow easement overlap into the right-of-way buffer; to allow reduction in width of a right-of-way buffer; and to allow a reduction of a Type III Incompatibility buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan subject to Conditions of Approval as indicated in Exhibit C-2.

- 10. **DOA-2009-04541** Title: a Development Order Amendment application of CRVI Bayhill LLC by Perry & Taylor PA, Agent. Request: to delete Conditions of Approval (Engineering and Planning).
General Location: South side of Northlake Boulevard approximately 5 miles west of the Beeline Hwy. (**Bayhill Estates**) (Control 1983-00018)

Pages 257 - 289

Conditions of Approval Pages (271 - 278)

Project Manager: Carol Glasser

Size: 372.97 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 34 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to delete Conditions of Approval (Planning, Engineering) 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

11. [Zoning Commission Annual Workshop](#)

Pages 290 - 303

MOTION:

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT