



Is hereby amended to read:

The maximum height for all structures, except the Sanctuary, measured from finished grade to highest point, shall not exceed thirty-five feet and four inches (35'4). The maximum height for the Sanctuary, measured from finished grade to highest point, shall not exceed fifty (50) foot in height from finished grade. (BLDG PERMIT: BLDG - Zoning)

13. (156-188) **ZV/ABN/PDD/R-2009-3943** **Kendall Industrial**  
**(Control 1975-060)**

Add All Petition Condition 2 under Exhibit 2 to read as follows:

2. Prior to final site plan approval by the Development Review Office (DRO) the applicant shall indicate both in tabular and graphic format the existing and proposed uses. A phasing table shall be included to clearly outline the phasing of commencement and cease of each use. (DRO: ZONING-Zoning)

Amend Engineering Condition 8 to read as follows:

8. The property owner shall relocate the existing utility poles on the west side of the eastern most driveway within Wallis Road right of way to comply with clear zone requirements prior to March 23, 2011, ~~or~~ prior to issuance of the first building permit or prior to dedication of right of way per condition E.4., whichever shall occur first. (DATE/BLDG PERMIT/ONGOING: MONITORING - Eng)



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

**THURSDAY SEPTEMBER 2, 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/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*

**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**SEPTEMBER 2, 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, September 30, 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. **DOA-2010-00143** Title: a Development Order Amendment application of Boynton Hagen LLC - Ram Realty Assoc by Land Design South Inc., Agent. Request: to modify the site plan and add square footage  
General Location: Northwest corner of Boynton Beach Boulevard and Hagen Ranch Road (**Hagen Ranch/Boynton Beach MUPD**) (Control 2006-00520)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 3.70 acres ±

BCC District: 5

Staff Recommendation: To recommend postponement of the application to Thursday, October 7, 2010.

**MOTION:** To postpone the application to Thursday, October 7, 2010.

**B. REMANDS**

**C. WITHDRAWALS**

- 2. **ZV-2010-01434** Title: a Type II Zoning Variance application of Ridge Quail by Anna S. Cottrell & Associates, Agent. Request: to allow the reduction of 3 tier shrubs and ground cover in the right-of-way buffers.  
General Location: Southeast corner of Military Trail and Golf Road (**Quail Ridge Maintenance Area**) (Control 1973-00001)

Pages 2 - 2

Project Manager: Douglas Robinson

Size: 3.50 acres ±

BCC District: 3

Staff Recommendation: None required. Application withdrawn.

**MOTION:** None required. Application withdrawn.

**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/R-2010-00144** Title: a Development Order Amendment application of Costco Wholesale Corp by BOHLER Engineering, Agent. Request: to modify/delete Conditions of Approval (Building and Site Design, MUPD, Signs, and Use Limitations), to reconfigure the site plan and add square footage

Title: a Requested Use application of Costco Wholesale Corp by BOHLER Engineering, Agent. Request: to allow an auto service station

General Location: Approximately 0.8 mile north of the intersection of Clint Moore Road and Congress Avenue, on the east side of Congress Avenue. **(Boca Congress Center/ Costco Gas)** (Control 1995-00063)

Pages 3 - 36

Conditions of Approval Pages (21 - 31)

Project Manager: Autumn Sorrow

Size: 21.02 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the request subject to 56 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibits C-2.

**MOTION:** To recommend approval of a Development Order Amendment to modify/delete Conditions of Approval (Building and Site Design, MUPD, Signs, and Use Limitations), to reconfigure the site plan and add square footage subject to Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use to allow an auto service station subject to Conditions of Approval as indicated in Exhibit C-2.

4. **CB/DOA-2010-00404** Title: a Class B Conditional Use application of APTEK Communications Products Inc by Land Research Management Inc., Agent. Request: to allow a Place of Worship

Title: a Development Order Amendment application of APTEK Communications Products Inc by Land Research Management Inc., Agent. Request: to reconfigure the site plan and modify uses

General Location: Southeast corner of the Intersection of Westgate Avenue and Ocoola Drive. **(Jack Turner/Office Warehouse)** (Control 1981-00216)

Pages 37 - 63

Conditions of Approval Pages (54 - 57)

Project Manager: David McGuire

Size: 1.01 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 23 Conditions of Approval as indicated in Exhibit C-1 and C-2.

**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of the request to reconfigure the site plan and modifying the uses subject to the Conditions of Approval as indicated in Exhibit C-2.

**D. ZONING APPLICATIONS - NEW**

5. **ZV/Z/CA-2010-01211** Title: a Type II Variance application of Lost Tree Club Inc by Cotleur & Hearing Inc., Agent. Request: to allow a reduction of number of parking spaces, elimination in part and reduction in part for width and plant material of right-of-way landscape buffers, elimination of incompatibility landscape buffers and an overlap of easements into landscape buffers  
Title: an Official Zoning Map Amendment application of Lost Tree Club Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single Family (RS) Zoning District and the Residential High (RH) Zoning District to the Residential Transitional (RT) Zoning District for a 145.89 acre site.  
Title: a Conditional Use Class A application of Lost Tree Club Inc by Cotleur & Hearing Inc., Agent. Request: to allow a golf course  
General Location: North side of A1A, east of Lost Tree Way and west of Turtle Beach Road (**Lost Tree Village Golf Course**) (Control 1999-00083)

Pages 64 - 104

Conditions of Approval Pages (86 - 87)

Project Manager: Carrie Rechenmacher

Size: 145.88 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests for a Type II Variance subject to 5 Conditions of Approval as indicated in Exhibit C-1 and of the Official Zoning Map Amendment subject to no Conditions of Approval and a Class A Conditional Use for a Golf Course Facility subject to 5 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow a reduction of number of parking spaces, elimination in part and reduction in part for width and plant materials of right-of-way landscape buffers, elimination of incompatibility landscape buffers and an overlap of easements into landscape buffers subject to Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Single Family (RS) Zoning District and the Residential High (RH) Zoning District to the Residential Transitional (RT) Zoning District for a 145.89 acre site.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Golf Course Facility Subject to Conditions of Approval as indicated in Exhibit C-2.

6. **DOA-2010-00146** Title: a Development Order Amendment application of Gerald Barbarito by Anna S. Cottrell & Associates, Agent. Request: to add square footage and reconfigure the site plan  
General Location: West side of Prosperity Farms Road, approximately 0.5 mi. south of Donald Ross Road (**St. Patrick Catholic Church**) (Control 1989-00041)

Pages 105 - 129

Conditions of Approval Pages (118 - 124)

Project Manager: Autumn Sorrow

Size: 10.96 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 43 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to add square footage and reconfigure the site plan subject to the Conditions of approval as indicated in Exhibit C.

7. **ZV-2010-01431** Title: A Type II Standalone Variance application of Faith Cathedral Worship Center Inc by Landmark Companies, Westgate Plaza Apartments, Agent. Request: to allow an increase in building height and the number of stories.  
General Location: South side of Westgate Avenue, approximately 200 feet west of Quail Drive ( **Westgate Plaza Apartments**) (Control 2007-00233)

Pages 130 - 155

Conditions of Approval Pages (141 - 141)

Project Manager: Carol Glasser

Size: 2.65 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval subject to 6 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Type II Variance to allow an increase in building height and the number of stories subject to the Conditions of Approval as indicated in Exhibit C.

8. **ZV/Z-2010-00655** Title: a Type II Zoning Variance application of Masoud Sanati, Mike Soueid, Mohammed Eftekhari by Frogner Consulting Inc., Agent. Request: to allow an easement to overlap a landscape buffer  
Title: an Official Zoning Map Amendment application of Masoud Sanati, Mike Soueid, Mohammed Eftekhari by Frogner Consulting Inc., Agent. Request: to allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the General Commercial (CG) Zoning District

General Location: Approximately 500 feet south of Lantana Road on the west side of Jog Road (**Lantana Square Plaza Two**) (Control 2002-00034)

Pages 156 - 188

Conditions of Approval Pages (177 - 180)

Project Manager: Carrie Rechenmacher

Size: 2.41 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval in Exhibit C-1 (Variance) and 18 Conditions of Approval in Exhibit C-2 (Rezoning) with a Conditional Overlay Zone (COZ).

**MOTION:** To adopt a resolution approving a Type II Variance to allow a drainage easement to overlap a landscape buffer subject to Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the General Commercial (CG) Zoning District with a Conditional Overlay Zone (COZ) subject to 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**

9. **DOA-2010-00982** Title: a Development Order Amendment application of Atl 441 W LLC by ATL 441 W LLC, Agent. Request: to delete land area and modify Condition of Approval (Planning)  
General Location: north of W. Atlantic Ave. between Smith Sundry Road and SR7/US441 (**441-Atlantic PUD (aka Tivoli Isles)**) (Control 2004-00206)

Pages 189 - 221  
 Conditions of Approval Pages (202 - 211)  
 Project Manager: Carol Glasser  
 Size: 330.60 acres ± BCC District: 5  
 (affected area 103.90 acres ±)

Staff Recommendation: Staff recommends approval subject to 40 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to delete land area and modify Condition of Approval (Planning) subject to the Conditions of Approval as indicated in Exhibit C.

10. **Z-2010-00981** Title: an Official Zoning Map Amendment application of Atl 441 W LLC by ATL 441 W LLC, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR/PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District.  
General Location: northwest corner of W. Atlantic Ave. and SR7/US441 (**Atlantic 441 West**) (Control 2010-00176)

Pages 222 - 240  
 Conditions of Approval Pages (235 - 235)  
 Project Manager: Carol Glasser  
 Size: 5.00 acres ± BCC District: 5

Staff Recommendation: Staff recommends approval of the rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District with a Conditional Overlay Zone (COZ) subject to 5 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 Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

11. **ZV-2010-01712** Title: a Type II Zoning Variance application of George Elmore by Corporate Property Services, Agent. Request: to allow more than one freestanding structure within an MUPD.

General Location: Southwest corner of Southern Boulevard and State Road 7  
**(Western Plaza)** (Control 1977-00048)

Pages 241 - 270

Conditions of Approval Pages (253 - 253)

Project Manager: Autumn Sorrow

Size: 32.86 acres ±

BCC District: 6

Staff Recommendation: Staff recommends denial of the request.

**MOTION:** To adopt a resolution denying a Type II Zoning Variance to allow more than one freestanding structure within an MUPD.

12. **ZV/DOA-2010-00661** Title: a Type II Zoning Variance application of FL Conference Assoc of 7th Day Adventist by Jon E Schmidt & Associates, Agent. Request: to allow elimination of divider median; elimination in part and a reduction in part of the right-of-way buffer along Kirk Road; and elimination of plant material along Kirk Road

Title: a Development Order Amendment application of FL Conference Assoc of 7th Day Adventist by Jon E Schmidt & Associates, Agent. Request: to delete land area and to modify Conditions of Approval (Landscape)

General Location: Located on the northwest corner of Melaleuca Lane and Kirk Road  
**(Lake Worth & Lantana 7th Day Adventist Church)** (Control 1998-00066)

Pages 271 - 304

Conditions of Approval Pages (293 - 297)

Project Manager: Joyce Lawrence

Size: 3.21 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the Type II Variance to allow elimination of divider median and approval of the Type II Variances to allow elimination in part and a reduction in part of the right-of-way buffer; and elimination of plant material along Kirk Road subject to 4 Conditions of Approval as indicated in Exhibit C-1 and approval of a Development Order Amendment to delete land area and to modify a Landscape Condition of Approval, subject to 20 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution denying a Type II Zoning Variances to allow elimination of divider median.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow elimination in part and a reduction in part of the right-of-way buffer along Kirk Road; and elimination of plant material along Kirk Road subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to delete land area and to modify a Landscape Condition of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

- 13. **ZV/ABN/PDD/R-2009-03943** Title: a Type II Zoning Variance application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow an increase in the number of freestanding buildings in an MUPD  
Title: a Development Order Abandonment application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to abandon the Special Exceptions granted under Resolutions R-1975-068 and R-1978-276  
Title: an Official Zoning Map Amendment to a Planned Development District application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Light Industrial (IL) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) District.  
Title: a Requested Use application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow Gas and Fuel, Wholesale  
General Location: Northwest corner of Benoist Farms Road and Wallis Road **(Kendall Industrial)** (Control 1975-00060)

Pages 305 - 339

Conditions of Approval Pages (323 - 327)

Project Manager: Autumn Sorrow

Size: 10.43 acres ±

BCC District: 6

Staff Recommendation: Staff recommends denial of the variance request and approval of the rezoning request subject to 18 Conditions of Approval as indicated in Exhibit C-2 and approval of the Request Use subject to 2 Conditions of Approval as indicated in Exhibit C-3. If the Zoning Commission recommends approval of the variance, then staff recommends approval subject to 5 Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a resolution denying a Type II Variance to allow more than one freestanding structure in an MUPD.

**MOTION:** To recommend approval abandoning the Special Exceptions granted under Resolutions R-1975-068 and R-1978-276

**MOTION:** To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Light Industrial (IL) and Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Requested Use to allow Gas and Fuel, Wholesale Conditions of Approval as indicated in Exhibit C-3.

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

