

MONITORING-Eng) (~~Previous Condition E16 of Resolution R-2005-1135, Control No. 2005-014~~)

Is hereby amended to read:

The property owner shall submit documentation of compliance with the notice condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before May 24, 2013 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Eng)

18. The property owner shall:

- a. Accept and be responsible for maintenance of the bridge over the LWDD E-1 Canal to allow for an access to the subdivision. The property owner shall also be responsible for transferring any existing permits for the bridge into the property owner's name or his successors or assigns. The property owner shall have any and all permits for the bridge transferred within sixty (60) of recordation of an abandonment of the public's interest in this area or prior to the recordation of the plat utilizing the bridge for access, whichever shall occur first. (ONGOING/PLAT: ENGINEERING - Eng)
- b. ~~Unless Palm Beach County's interest in 130th Street (aka Bob West Road) right of way is abandoned, the property owner shall m~~Maintain 130th Street (aka Bob West Road) along the property frontage to Palm Beach County standards, as required by the County Engineer. (ONGOING: ENGINEERING - Eng)

Amend PREM Condition #1 to read as follows:

Platting & Deed

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a minimum net 2.07 acre linear public civic site (net usable area minus any buffers), located adjacent to the Flavor Pict Road southern right of way line by ~~November 1, 2013~~ September 24, 2014 . Property owner to plat and dedicate the civic site to Palm Beach County as 20 ft. of property along the entire length of Flavor Pict Road (southern side only from SR7 to Lyons Road). This linear property will constitute the civic site requirement of this PUD for the proposed purpose of constructing a 10' multipurpose pathway. Prior to conveying the deed, the property owner shall have satisfied each of the following conditions prior to deed conveyance.

.....

f) ~~Buildable~~ Grade

Prepare civic site to ~~buildable~~ a level grade under the direction of the Facilities Development & Operations Department and ~~FDOT multipurpose pathway standards.~~

g) Notice

Property owner shall be required to provide notice in sales brochures intended for purchasers of homes in this development that County owns a 20' wide civic site adjacent to Flavor Pict Road right of way and may develop it with a pathway in the future. (DATE:MONITORING-PREM) (~~Previous PREM condition 1 Resolution No. 2005-1135, Control No. 2005-014~~)

Amend PREM Condition #2 to read as follows:

Survey

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by ~~September 1, 2013~~ July 22, 2014. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

....

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE:MONITORING-Prem) (~~Previous PREM Condition 2 Resolution No. 2005-1135, Control No. 2005-014~~)

Amend PREM Condition #3 to read as follows:

Environmental Survey

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by ~~September 1, 2013~~ July 22, 2014. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

...

f) If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE:MONITORING-Prem) (~~Previous PREM Condition 3 Resolution No. 2005-1135, Control No. 2005-014~~)

Amend PREM Condition #4 to read as follows:

Civic Site Maintenance

a) Property owner shall be responsible for maintenance of the civic site both prior to and after conveyance of the site to County. ~~This requirement will remain in effect until such time that the County improves the civic site with a proposed pathway. Once the County begins construction to improve the site, all future maintenance will become the responsibility of the County.~~

b) If the County has not improved the civic site by the time the property owner turns over the common areas to the Homeowners Association (HOA), then the HOA shall become responsible to maintain the civic site pursuant to 4(a) above (i.e. until the County begins construction to improve the site, whereupon all future maintenance will become the responsibility of the County).

c) At a minimum, property owner shall prevent the uncontrolled growth of vegetation on site, ~~regularly~~ cut the grass as needed within the limits of the civic site property, keep the property in a good and neat condition, free of trash and debris. (ONGOING: CODE ENF-PREM) (~~Previous PREM Condition 4 Resolution No. 2005-1135, Control No. 2005-014~~)

5. (94-129) ABN/PDD/R-2011-2637 Roan Lane Commercial
(Control 1994-061)

Amend ENGINEERING Condition #3 and 4 to read as follows:

3. The Property Owner shall construct a five (5) foot concrete sidewalk... Certificate of Occupancy ~~building permit~~. (COBLDG PERMIT: MONITORING -Eng)

4. If warranted by future conditions as determined by the County Engineer, and within twenty-four (24) months of the final Certificate of Completion for interior improvements, the Property Owner shall...

Amend LANDSCAPE-PERIMETER Condition 3b to read as follows:

b. required large shrubs shall be Seagrapes, Saw Palmetto; ~~or similar native vegetative species;~~



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

THURSDAY MAY 3, 2012

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

MAY 3, 2012

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, May 24, 2012 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/CA-2011-01995** Title: an Official Zoning Map Amendment application of Tri County Humane Society Inc. by Miller Land Planning, Agent. Request: to allow a rezoning from the Public Ownership (PO) and the Agriculture Residential (AR) Zoning Districts to the Institutional and Public Facilities (IPF) Zoning District
Title: a Class A Conditional Use application of Tri County Humane Society Inc. by Miller Land Planning, Agent. Request: to allow a Type IV (Animal Shelter) Kennel
General Location: Southwest corner of Boca Rio Road and Via Ancho Road (**Tri County Humane Society, Inc**) (Control 1976-00152)

Pages 1 - 1

Project Manager: Carol Glasser

Size: 14.05 acres ±

BCC District: 5

Staff Recommendation: Staff recommends postponement to Thursday June 7, 2012.

MOTION: To postpone to Thursday June 7, 2012.

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. **ABN/DOA/R/TDR-2011-03177** Title: a Development Order Abandonment Request application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to abandon Resolutions R-2005-1048, R-2005-1049, and R-2010-0310

Title: a Development Order Amendment Request application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master and Subdivision Plans; to delete and modify Conditions of Approval (Engineering, Planned Development, and Site Design) and to add units

Title: a Requested Use Request application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow the Transfer of Development Rights (TDR's)

Title: a Transfer of Development Rights application of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow the purchase of 185 Transfer of Development Rights (TDR's) units and designate the site as a receiving area

General Location: Site is located along the south side of Hypoluxo Road east of Haverhill Road and approximately 1,560 feet west of Military Trail. **(Toscana Isles PUD)** (Control 2004-00458)

Pages 2 - 36

Conditions of Approval Pages (23 - 32)

Project Manager: David McGuire

Size: 70.61 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Development Order Abandonment; approval of the Development Order Amendment subject to 35 Conditions of Approval as indicated in Exhibit C-1; and, approval of the Requested Use subject to 7 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of the Development Order Abandonment of Resolutions R-2005-1048, R-2005-1049, and R-2010-0310.

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Master and Subdivision Plans; to delete and modify Conditions of Approval (Engineering, Planned Development, and Site Design) and add units subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the purchase of Transfer of Development Rights (TDR's).

MOTION: To recommend approval of the purchase of 185 Transfer of Development Rights (TDR's) units and designate the site as a receiving area subject to the Conditions of Approval as indicated in Exhibit C-2.

- 3. **DOA-2011-02353** Title: a Development Order Amendment application of Delray 282 LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master Plan, add land area, add 1 additional unit, modify and delete Conditions of Approval (Engineering, ERM, Landscaping, Planning, PREM, PUD) and to restart the time to commence development

General Location: Approximately 2.25 miles north of Atlantic Avenue on the east side of US 441 (**Monticello AGR-PUD**) (Control 2005-00014)

Pages 37 - 75

Conditions of Approval Pages (53 - 71)

Project Manager: Joyce Lawrence

Size: 283.37 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 53 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Master Plan, to add land area, add 1 additional unit, modify and delete Conditions of Approval (Engineering, ERM, Landscaping, Planning, PREM, PUD) and restart the time to commence development subject to Conditions of Approval as indicated in Exhibit C.

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

- 4. **CA-2011-02908** Title: a Class A Conditional Use application of Moc Thuy Nguyen by Jon E Schmidt & Associates, Agent. Request: to allow a Place of Worship.
General Location: Located on the northeast corner of Gun Club Road and Cypress Avenue (**Florida Buddhist Centers, Inc - Lotus Monastery**) (Control 1978-00204)

Pages 76 - 93

Conditions of Approval Pages (88 - 89)

Project Manager: David McGuire

Size: 1.66 acres ±

BCC District: 2

(affected area 1.52 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

5. **ABN/PDD/R-2011-02637** Title: a Development Order Abandonment application of GGSK 1 Inc., Cherry Road Plaza LLC, Roan Lane LLC by Land Design South Inc., Agent. Request: to abandon the Conditional Overlay Zone that was granted under Resolution R-1994-1673

Title: an Official Zoning Map Amendment to a Planned Development District application of GGSK 1 Inc., Cherry Road Plaza LLC, Roan Lane LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Multifamily Residential (RM) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use application of GGSK 1 Inc., Cherry Road Plaza LLC, Roan Lane LLC by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales

General Location: Northeast corner of Northlake Boulevard and I-95 (**Roan Lane Commercial**) (Control 1994-00061)

Pages 94 - 129

Conditions of Approval Pages (117 - 121)

Project Manager: Carrie Rechenmacher

Size: 4.52 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 22 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Abandonment to allow the abandonment of a Conditional Overlay Zone granted under Resolution R-1994-1673.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) and the General Commercial (CG) Zoning Districts 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 a Requested Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

6. **ZV/ABN/CA-2011-02630** Title: a Type II Variance application of Francalby Corp by Urban Design Kilday Studios, Agent. Request: to allow an easement overlap of an incompatibility and compatibility landscape buffers
Title: a Development Order Abandonment application of Francalby Corp by Urban Design Kilday Studios, Agent. Request: to abandon the Special Exception approved under Resolution R-81-216 and R-99-984
Title: a Class A Conditional Use application of Francalby Corp by Urban Design Kilday Studios, Agent. Request: to allow a Convenience Store with Gas Sales
General Location: Approximately 1,000 feet west of I-95 on the north side of Hypoluxo Road (**Hypoluxo Convenience with Gas Sales**) (Control 1981-00010)

Pages 130 - 162

Conditions of Approval Pages (149 - 152)

Project Manager: Carol Glasser

Size: 1.62 acres \pm

BCC District: 3

Staff Recommendation: Staff recommends approval of the Type II Variance request subject to 5 Conditions of Approval as indicated in Exhibit C-1; approval of the Development Order Abandonment; and, approval of the Class A Conditional Use subject to 21 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a Resolution approving a Type II Variance to allow easement overlap of an incompatibility and compatibility landscape buffers subject to the Conditions of Approval as indicated in Exhibit C-1

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exception approved under Resolution R-81-216 and R-99-984.

MOTION: To recommend approval of a Class A Conditional Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

7. **DOA-2012-00111** Title: a Development Order Amendment application of Lion Country Safari Inc by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan to transfer acreage from Pod A to Pod D; add square footage in Pod D; and to amend and delete Conditions of Approval (Use Limitations, Noise, and Signs)
General Location: West of Seminole Pratt Whitney Road, north of Southern Boulevard on Lion Country Safari Road (**Lion Country Safari MUPD**) (Control 1998-00050)

Pages 163 - 193

Conditions of Approval Pages (179 - 189)

Project Manager: Joyce Lawrence

Size: 566.53 acres \pm

BCC District: 6

(affected area 64.15 acres \pm)

Staff Recommendation: Staff recommends approval of the request subject to 53 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to transfer acreage from Pod A to Pod D, add square footage in Pod D and to amend and delete Conditions of Approval (Use Limitations, Noise and Signs) subject to Conditions of Approval as indicated in Exhibit C.

8. **ZV/DOA-2011-02350** Title: a Type II Zoning Variance application of SPBC Federation Housing Inc by Land Design South Inc., Agent. Request: to allow a reduction in the required parking

Title: a Development Order Amendment application of SPBC Federation Housing Inc by Land Design South Inc., Agent. Request: to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering)

General Location: Southeast corner of the terminus of 95th Ave. **(Rainberry PUD Pods A & B)** (Control 1984-00139)

Pages 194 - 243

Conditions of Approval Pages (222 - 231)

Project Manager: David McGuire

Size: 40.10 acres ±

BCC District: 5

(affected area 6.20 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance subject to 6 Conditions of Approval as indicated in Exhibit C-1, and approval of the request to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) subject to 38 conditions of approval as exhibited in Exhibit C-2, and 11 conditions of approval as exhibited in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Variance for a reduction in the required parking subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Oder Amendment to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) subject to 38 conditions of approval as indicated in Exhibit C-2 and 11 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

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