



**ZONING COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
JUNE 6, 2013**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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CONSENT AGENDA

ZONING APPLICATIONS – NEW

7.	(218)	W/DOA-2013-00494	AMESTOY AGR PUD
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AMEND Engineering Condition 10 of Exhibit C to read as follows:

10. ...Prior to June 5, 2014, or within ninety (90) days notice by the County Engineer, the property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide drainage for runoff from those segments of: ~~i. Boynton Beach Boulevard along the property frontage; and ii. Lyons Road along the property frontage; and iii. Up up to a maximum of an additional 800 feet of these adjacent roadway(s)...~~



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

THURSDAY JUNE 6, 2013

9:00 A.M.

**Vista Center, Ken Rogers 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

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

JUNE 6, 2013

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, Ken Rogers 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 Monday, June 24, 2013 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

- 1. **ZV/Z/CA-2012-02085** Title: a Type II Variance application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow 24 hour operation within 250 feet of a residential district and to allow a reduction in the required side setback.
Title: an Official Zoning Map Amendment application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District
Title: a Class A Conditional Use application of Race Trac Petroleum by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales
General Location: Northwest corner of Lantana Road and Haverhill Road **(Raceway Market)** (Control 2012-00253)

Pages 1 - 58

Conditions of Approval Pages (15 - 19)

Project Manager: David McGuire

Size: 6.88 acres ±

BCC District: 2

(affected area 1.78 acres ±)

Staff Recommendation: Staff recommends denial of the request as certified on April 9, 2013;

Staff recommends a remand to the June 12, 2013 Development Review Officer meeting based on proposed modifications after certification.

MOTION: To recommend denial of the Type II Variances to allow a 24 hour operation within 250 feet of a residential district and to allow a reduction in the required side setback.

OR

To remand to the June 12, 2013 DRO meeting based on substantial changes after certification of the request.

- 2. **Z-2012-02793** Title: an Official Zoning Amendment application of Race Trac Petroleum Inc - Cory Hopkins by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District

General Location: Approximately 350 feet north of Lantana Road at the southwest corner of Nash Trail and Haverhill Road (**Rasmussen Residential**) (Control 2012-00580)

Pages 59 - 81

Conditions of Approval Pages (63 - 64)

Project Manager: David McGuire

Size: 6.88 acres ±

BCC District: 2

(affected area 5.10 acres ±)

Staff Recommendation: Staff recommends approval of the request, as certified on April 9, 2013, subject to a Conditional Overlay Zone and 6 Conditions of Approval as indicated in Exhibit C.

Staff supports a Remand to the June 12, 2013 Development Review Officer meeting based on the request from the applicant.

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District subject to a Conditional Overlay Zone and Conditions of Approval as indicated in Exhibit C.

OR

To remand to the June 12, 2013 DRO meeting based on substantial changes after certification of the request.

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

3. [ABN/Z/CA-2012-03377](#) Title: a Development Order Abandonment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to abandon the Class B Conditional Use for a Veterinary clinic approved via Resolution ZR-2006-003 and R-2006-1547

Title: an Official Zoning Map Amendment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Community Commercial (CC) Zoning District

Title: a Class A Conditional Use application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to allow a Car Wash

General Location: Approximately 1,000 feet west of Military Trail on the south side of Hypoluxo Road (**Barkley Place**) (Control 2003-00040)

Pages 82 - 104

Conditions of Approval Pages (89 - 91)

Project Manager: David McGuire

Size: 3.04 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone and 5 Conditions of Approval as indicated in Exhibit C-1 and 12 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the Class B Conditional Use for a Veterinary clinic approved via Resolution ZR-2006-003.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Commercial High Office (CHO) Zoning District to the Community Commercial (CC) Zoning District subject to a Conditional Overlay Zone and Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Car Wash subject to the Conditions of Approval as indicated in Exhibit C-2.

4. **DOA/R-2012-01264** Title: a Development Order Amendment application of Reef America Reit li Corp J by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage

General Location: Southeast corner of Glades Road and SR 7 (**Festival Shoppes of Boca PCD**) (Control 1990-00024)

Pages 105 - 130

Conditions of Approval Pages (110 - 119)

Project Manager: David McGuire

Size: 36.96 acres ±

BCC District: 5

(affected area 2.63 acres ±)

Staff Recommendation: Staff recommends approval of a request subject to 74 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, modify Conditions of Approval (Parking) and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

5. **PDD/DOA-2012-03375** Title: an Official Zoning Map Amendment to a Residential Planned Development District application of Atlantic Commons Associates, LLLP by Miller Land Planning, Agent. Request: to allow a rezoning from Agriculture Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District

Title: a Development Order Amendment application of Atlantic Commons Associates, LLLP by Miller Land Planning, Agent. Request: to reconfigure the Master Plan; add and delete land area; add units and square footage; and, modify/delete Conditions of Approval (Landscape, Planning, Palm Tran)

General Location: Northeast corner of Atlantic Avenue and Florida's Turnpike (**Atlantic Commons PUD**) (Control 2004-00525)

Pages 131 - 192

Conditions of Approval Pages (139 - 155)

Project Manager: Carol Glasser

Size: 164.14 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 44 Conditions as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agriculture Residential (AR) Zoning District to Residential Planned Unit Development (PUD) Zoning District.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; add and delete land area; add units; and modify Conditions of Approval (Planning).

MOTION: To recommend approval of the replacement of the Master Declaration of Restrictive Covenants for Workforce Housing in Accordance with the Palm Beach County Workforce Housing Program as indicated in Exhibit E subject to review and approval by the County Attorney.

6. **Z/COZ-2012-03376** Title: an Official Zoning Map Amendment application of Atlantic Commons Associates LLLP by Miller Land Planning, Agent. Request: to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ)

General Location: Northeast corner of Atlantic Avenue and Florida's Turnpike (**Atlantic Commons Commercial**) (Control 2012-00646)

Pages 193 - 206

Conditions of Approval Pages (197 - 198)

Project Manager: Carol Glasser

Size: 4.99 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 9 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 Unit Development (PUD) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

7. **W/DOA-2013-00494** Title: a Type II Waiver application of Boynton Beach Associates XXII LLLP by G.L. Homes, Agent. Request: to allow an increase in the number of cul-de-sacs

Title: a Development Order Amendment application of Boynton Beach Associates XXII LLLP by G.L. Homes, Agent. Request: to reconfigure the Master Plan, delete an access point, redesignate Model Row location, restart the Commencement of Development, and modify Condition of Approval (Engineering)

General Location: Northwest corner of Boynton Beach Boulevard and Lyons Road (**Amestoy AGR PUD**) (Control 2005-00162)

Pages 207 - 245

Conditions of Approval Pages (213 - 225)

Project Manager: Carol Glasser

Size: 636.42 acres ±

BCC District: 5,6

(affected area 252.08 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 39 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Type II Waiver to allow an increase in the number of cul-de-sacs subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, delete an access point, redesignate Model Row location, restart the Commencement of Development, and modify Condition of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

E. CORRECTIVE RESOLUTIONS

8. [SD-140](#) Title: Corrective Resolution Request: To correct resolution ZR-2011-018 containing an error in a Condition of Approval.

Pages 246 - 247

MOTION: To adopt a resolution correcting Resolution ZR-2011-018, adopted on August 4, 2011, correcting an error in Condition 1 of Exhibit C.

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 9. **ZV/DOA-2012-03106** Title: a Development Order Amendment application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add new uses and add square footage
General Location: Southwest corner of Military Trail and Champion Boulevard **(Polo Club Shoppes)** (Control 1986-00090)

Pages 248 - 272

Conditions of Approval Pages (253 - 255)

Project Manager: David McGuire

Size: 13.64 acres ±

BCC District: 5

(affected area 1.83 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 15 Conditions of Approval as indicated in Exhibit C.

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

D. ZONING APPLICATIONS - NEW

- 10. **PDD/DOA-2013-00490** Title: an Official Zoning Map Amendment to a Planned Development District application of Jules Romfh, AL Lake Worth LLC, Michael Musto, Lyons Road LW LLC, Elizabeth Romfh, Gulfstream JV LLC, Rita Musto by Land Design South Inc., Atlantic Land Management, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District
Title: a Development Order Amendment application of Jules Romfh, AL Lake Worth LLC, Michael Musto, Lyons Road LW LLC, Elizabeth Romfh, Gulfstream JV LLC, Rita Musto by Land Design South Inc., Atlantic Land Management, Agent. Request: to reconfigure the Master Plan, add land area, add units, and modify Conditions of Approval (Engineering)
General Location: Approximately 1300 feet south of Lake Worth Road between Lyons and Polo Roads (**Gulfstream PUD**) (Control 2008-00297)

Pages 273 - 337

Conditions of Approval Pages (281 - 286)

Project Manager: Carol Glasser

Size: 64.75 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 26 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 Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, add land area, add units, and modify Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

COMMENTS

- A. COUNTY ATTORNEY
- B. ZONING DIRECTOR
- C. EXECUTIVE DIRECTOR
- D. COMMISSIONERS

ADJOURNMENT