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**PALM BEACH COUNTY ZONING COMMISSION  
AMENDMENTS TO THE AGENDA  
Thursday, July 7, 2005**

**AGENDA**

**ITEM #/PAGE #      PETITION / CHANGE**

**ADD-ON UNDER ZONING DIRECTOR COMMENTS**

15. Meeting with Industry to discuss Architectural Guidelines and Permit process Monday, July 18, 2005 at 1:00:00 PM (2 Hours) 100 Australian Ave 4th Floor Conf Room

**AMENDMENTS TO THE AGENDA**

12. **PDD/W2004-301 (DUBOIS AGR PUD)** (Control #2004-250)  
Pages 222-252

Modify Engineering Conditions 2, 3, 6, 7, 8, 12 and 14 to read as follows:

2. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:
- b.a. No Building Permits shall be issued until construction has commenced for intersection improvements at West Atlantic Avenue and Lyons Road providing for:
    - a) east approach
      - 2 through lanes
      - ~~2 left turn lanes~~ left turn lane
    - b) west approach
      - 2 through lanes
      - right turn lane
    - c) south approach
      - left turn lane
      - right turn lane(BLDG PERMIT: MONITORING-Eng)
  - a.b. No Building Permits for more than forty (40) single family residential dwelling units shall be issued until the contract has been awarded by the FDOT for the construction of West Atlantic Avenue as a 4 lane facility from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Commencement of construction may also include someone other than the Florida Department of Transportation. (BLDG PERMIT: MONITORING-Eng)

3. No Building Permits for the site may be issued after January 1, ~~2010~~ 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)
6. Construction of the required sound walls and landscape buffers shall be completed prior to the issuance of the first certificate of occupancy for any lot within Pods C or D. The property owner shall provide Land Development a listing of the applicable PCN numbers for all lots within Pod C and D prior to receipt of the first building permit within Pods C or D. (CO:MONITORING-Eng)
7. The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that: (i) this site is adjacent to the Florida Turnpike, (ii) the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike, and (iii) the Developer has installed noise abatement improvements determined by the Florida Turnpike Enterprise to be effective in keeping noise levels from the Florida Turnpike below the State noise abatement criteria in effect as of the date of issuance of this Development Order. All sales contracts and homeowner documents shall also include a statement that any additional noise mitigation measures requested in the future by the Residents will not be funded or constructed by Palm Beach County.

~~The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Included in the sales contracts and homeowner documents shall be a statement as to what noise levels residents may expect after any noise mitigation improvements are constructed by the Developer. All sales contracts and homeowner documents shall include a statement that any additional noise mitigation measures requested in the future will not be funded or constructed by Palm Beach County.~~

The property owner shall submit documentation of compliance with the noise level requirement above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 2007 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association.

8. Acceptable surety required for the offsite road improvements as outlined in Condition No. ~~E.1.A and E.1.B~~ E.2.b. (for that portion of West Atlantic Avenue from Starkey Road to Lyons Road plus the appropriate paved tapers) and E.2.a. shall be posted with the Office of the Land Development Division on or before January 28, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING Eng)

12. ~~Prior to issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, 12 feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "corner clips" where appropriate as determined by the County Engineer. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING- Eng)~~
  
14. Prior to September 15, 2006, the property owner shall complete the funding for the construction for all improvements identified in Condition No. E.2.b. (for that portion of West Atlantic Avenue from Starkey Road to Lyons Road plus the appropriate paved tapers) and E.2.a. above and shall then be responsible for the construction of the improvements identified in E.2.b. (for that portion of West Atlantic Avenue from Starkey Road to Lyons Road plus the appropriate paved tapers) and E.2.a. above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Funding shall include any required right of way acquisition costs, construction plans, and all construction costs. (DATE: MONITORING- Eng)

Delete Engineering Condition 15.

Modify Planning Condition 2 to read as follows:

2. Prior to recordation of a plat for the Dubois Development Area Parcel, the property owner shall record boundary plats for all of the Preserve parcels, and include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. As an alternative to satisfy the platting requirements pursuant to the ULDC, and provided the parcels are owned by the SFWMD and a conservation easement is recorded, the property owner may request the following:
  - a. a ULDC text amendment to waive platting requirements for SFWMD owned preserve parcel; or
  - b. a variance from platting requirements subject to the approval of the Board of Adjustment;

The title insurance requirement for the conservation easement may as an alternative, be a title opinion issued by a member of the Florida Bar.

Provided the Board of County Commissioners adopts an ordinance amendment to the ULDC, whereby this preserve area does not require platting or a variance is granted, then any such platting requirement for the preservation parcel set forth herein shall not apply to the preservation parcel. (PLAT:PLANNING/ENGINEERING-Planning)

Modify Planning Condition 4 to read as follows:

4. Prior to recordation of a plat for the development area of this PUD, the property owner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for all of the proposed Preservation parcels

(except as noted in condition 2 above related to the SFWMD owned parcel) would not result in the creation of illegal lots of record. The property owner shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of these Preservation parcels would not result in the creation of illegal lots of record and would at a minimum total: Johnson Preserve = 138.917 acres, Chico Preserve= 82.397 acres, PBC/Butts= 33.507 acres, and South Florida Water Management District = 168.634 acres. (PLAT-ENG-CTY ATTY-Planning)

Modify Planning Condition 9 to read as follows:

9. Prior to plat recordation for the Dubois Development Area Parcel, the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office, Department of Environmental Resources Management, and the Planning Division.
  - a. The conservation easements for all of these preserve parcels shall contain:
    - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
    - 2) a list of permitted uses, uses not permitted, and prohibited activities.
  - b. Title insurance for these easements (except as noted in condition 2 above related to the SFWMD owned parcel) shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT:ENG-CTY ATTY/ERM/Planning)

Tony Masilotti, Chairman  
Addie L. Greene, Vice Chairperson  
Karen T. Marcus  
Jeff Koons  
Warren H. Newell  
Mary McCarty  
Burt Aaronson



Robert Weisman

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

**JULY 7, 2005**

**THURSDAY  
9:00 AM**

**COMMISSION  
CHAMBERS**

**1. CALL TO ORDER**

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Swearing In
- F. Disclosures

**2. POSTPONEMENTS/WITHDRAWALS (Page 1)**

**3. CONSENT AGENDA (Pages 2-3)**

**4. REGULAR AGENDA (Pages 4-7)**

**5. COMMISSIONER COMMENTS (Page 7)**

**6. DIRECTOR COMMENTS (Page 7)**

**7. ADJOURNMENT (Page 7)**

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**

**THURSDAY JULY 7, 2005**

**1. CALL TO ORDER**

- A. Roll Call – 9:00 A.M.
- B. Opening Prayer and Pledge of Allegiance.
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Jane M. Thompson Memorial Chambers, 301 N. Olive Avenue, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments 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 in the Jane M. Thompson Memorial Chambers, 301 N. Olive Avenue, West Palm Beach, FL, at 9:30 A.M. on Thursday, July 28, 2005, to take final action on the applications listed below.

- D. Proof of Publication – Motion to receive and file.
- E. Swearing In – County Attorney.
- F. Disclosures.

**2. POSTPONEMENTS/WITHDRAWALS**

**A. POSTPONEMENTS**

**B. WITHDRAWALS**

- 1. [Z/COZ2004-023](#) Title: Resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone application of Tropical Real Estate Holdings LLC, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approximately 0.4 mile west of Jog Road on the south side of Belvedere Road (**SOUTHEAST CONTRACTING SERVICES**). (Control 2004-023)

Page 1

Size: 5.0 acres ±

BCC District: 6

MOTION: None required.

**END OF POSTPONEMENTS/WITHDRAWALS**

3. **CONSENT AGENDA**

A. **REQUESTS TO PULL ITEMS FROM CONSENT**

B. **ZONING APPLICATIONS – CONSENT**

2. **DOA2005-358** Title: Resolution approving a Development Order Amendment application of Wellington Storage Limited Partnership, by Basehart Consulting, Inc., Agent. Request: To reconfigure the site plan, add square footage, and modify/delete conditions of approval. General Location: Approximately 0.5 mile north of Forest Hill Boulevard on the west side of State Road 7/US 441 (**WELLINGTON MUPD**). (Control 2001-028)

Pages 2-22

Size: 7.08 acres ±

BCC District: 6

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, and modify/delete conditions of approval.

3. **CA2005-153** Title: Resolution approving a Class A Conditional Use application of Medhi Pourpaki, by Droor and Associates, Inc., Agent. Request: To allow a dispatching office. General Location: Southwest corner of Suwanee Drive and Westgate Avenue (**EAST COAST LIMO**). (Control 2005-064)

Pages 23-40

Size: .74 acre ±

BCC District: 2

MOTION: To recommend approval of a Class A Conditional Use to allow a dispatching office.

4. **Z/CB2005-022** Title: Resolution approving an Official Zoning Map Amendment application of MNR Lull Inc., by Richard W. Carlson, Jr., Esq., Agent. Request: Rezoning from the Neighborhood Commercial (CN) and the Multifamily Residential (RM) Zoning Districts to the General Commercial (CG) Zoning District. Title: Resolution approving a Class B Conditional Use application of MNR Lull Inc., by Richard W. Carlson, Jr., Esq., Agent. Request: To allow a car wash. General Location: Approximately 335 feet south of Melaleuca Lane on the east side of Military Trail (**LAKE WORTH EXPRESS CAR WASH**). (Control 2005-006)

Pages 41-59

Size: .83 acre ±

BCC District: 3

MOTION: To recommend approval of an Official Zoning Map Amendment from the Neighborhood Commercial and the Multifamily Residential Zoning Districts to the General Commercial Zoning District.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a car wash.

**C. STATUS REPORTS – CONSENT**

5. **SR1994-040** Status Report for Resolution ZR-94-06 (Application 94-40), the application of Byron V. Reid, VMD. Property owner: Byron V. Reid. Location: Approximately 1.75 miles north of Southern Boulevard on the east side of F Road. Current zoning: Agricultural Residential with a Class B Conditional Use to allow a Veterinary Clinic (**REID VETERINARY CLINIC**).

Pages 60-64

Size: 5.0 Acres ±

BCC District: 6

MOTION: To approve a time extension from May 10, 2003, to May 10, 2005, to commence development of the last phase.

6. **SR2001-011** Status Report for Resolution ZR-2001-002 (Application 2001-011), the application of Education Development Center, Inc. Property owner: Education Development Center, Inc. Location: Southeast corner of Westgate Avenue and Loxahatchee Drive. Current zoning: General Commercial with a Class B Conditional Use to allow a Daycare, General (**DAYCARE/VETERINARY CLINIC**).

Pages 65-69

Size: 2.6 Acres ±

BCC District: 2

MOTION: To approve a time extension from April 5, 2005, to April 5, 2007, to commence development of the second phase.

**- END OF CONSENT AGENDA -**



**- START OF REGULAR AGENDA -****4. REGULAR AGENDA****A. ITEMS PULLED FROM CONSENT****B. PREVIOUSLY POSTPONED ITEMS**

7. **DOA1986-064B** Title: Resolution approving a Development Order Amendment application of Holy Spirit Lutheran Church Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To reconfigure the site plan and add square footage to a Special Exception for a Church, Educational Facility and a Child Daycare facility, including accessory buildings and structures. General Location: Approximately 0.6 mile south of Donald Ross Road on the west side of Ellison Wilson Road (**HOLY SPIRIT LUTHERAN CHURCH**). (Control 1986-064)

Pages 70-117

Size: 5.25 acres ±

BCC District: 1

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and add square footage to a Special Exception for a Church, Educational Facility and a Child Daycare facility, including accessory buildings and structures.

8. **PDD/R/TDR/W2004-227** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Polo Realty, Inc., by Land Design South, Inc., Agent. Request: Rezoning from the Multiple Use Planned Development (MUPD) District and the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use application of Polo Realty, Inc., by Land Design South, Inc., Agent. Request: To allow the Transfer of Development Rights for 235 units and to designate this application as the receiving area. Title: Waiver. Request: Deviation from cul-de-sac and dead-end restrictions. General Location: Northeast corner of Old Clint Moore Road and Jog Road (**ROYAL PALM POLO PUD**). (Control 2004-203)

Pages 118-145

Size: 122.88 acres ±

BCC District: 5

MOTION: To recommend approval of an Official Zoning Map Amendment from the Multiple Use Planned Development District and the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To recommend approval of a Requested Use to allow the Transfer of Development Rights for 235 units and to designate this application as the receiving area.

MOTION: To recommend approval of a Waiver to allow deviation from cul-de-sac and dead-end restrictions.

9. **Z/CA2004-497** Title: Resolution approving an Official Zoning Map Amendment application of Bethel Temple of Lake Worth, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. Title: Resolution approving a Class A Conditional Use application of Bethel Temple of Lake Worth, by Land Research Management, Inc., Agent. Request: To allow a church or place of worship. General Location: Northwest corner of Lake Worth Road and Blanchette Trail (**BETHEL ASSEMBLY OF GOD**). (Control 2004-009)

Pages 146-165

Size: 18.26 acres ±

BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District.

MOTION: To recommend approval of a Class A Conditional Use to allow a church or place of worship.

10. **PDD/W2004-658** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Anasca Communities, LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Waiver. Request: Deviation from cul-de-sac and dead-end restrictions. General Location: Northwest corner of Hagen Ranch Road and Atlantic Avenue (**TERRA NOVA PUD**). (Control 2004-456)

Pages 166-197

Size: 93.67 acres ±

BCC District: 5

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To recommend approval of a Waiver to allow deviation from cul-de-sac and dead-end restrictions.

11. **PDD2004-660** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Anasca Communities, LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Northwest corner of Hagen Ranch Road and Atlantic Avenue (**TERRA NOVA MUPD**). (Control 2004-457)

Pages 198-221

Size: 17.99 acres ±

BCC District: 5

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multiple Use Planned Development District.

**C. ZONING APPLICATIONS**

12. **PDD/W2004-301** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of GL Homes of Boca Raton, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. Title: Waiver. Request: Deviation from cul-de-sac and dead-end restrictions. General Location: Approximately 1 mile north of Clint Moore Road on the east side of Lyons Road (**DUBOIS AGR PUD**). (Control 2004-250)

Pages 222-252

Size: 722.648 acres ±

BCC District: 3 & 5

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District.

MOTION: To recommend approval of a Waiver to allow deviation from cul-de-sac and dead-end restrictions.

13. **DOA/CA/TDR2004-966** Title: Resolution approving a Development Order Amendment application of Symphony Builders at Emerald Place LLC, by Land Design South, Inc., Agent. Request: To modify/delete voluntary commitments and reconfigure the site plan. Title: Resolution approving a Class A Conditional Use application of Symphony Builders at Emerald Place LLC, by Land Design South, Inc., Agent. Request: To allow the Transfer of Development Rights for 10 units and to designate this application as the receiving area. General Location: Southwest corner of Sims Road and Aspen Ridge Circle (**EMERALD PLACE** (fka SYNERGY CO-HOUSING)). (Control 1996-086)

Pages 253-277

Size: 3.60 acres ±

BCC District: 5

MOTION: To recommend approval of a Development Order Amendment to modify/delete voluntary commitments and reconfigure the site plan.

MOTION: To recommend approval of a Class A Conditional Use to allow the Transfer of Development Rights for 10 units and to designate this application as the receiving area.

14. **DOA2005-148** Title: Resolution approving a Development Order Amendment application of International Trade Center, LLC, by Lewis, Longman & Walker, P.A., Agent. Request: To modify/delete conditions of approval. General Location: North of Beeline Highway and east of Seminole Pratt Whitney Road (**FLORIDA RESEARCH PARK**). (Control 1981-190)

Pages 278-306

Size: 1,244.70 acres ±  
1

BCC District:

MOTION: To recommend approval of a Development Order Amendment to modify/delete conditions of approval.

**5. COMMISSIONER COMMENTS**

**6. DIRECTOR COMMENTS**

**7. ADJOURNMENT**