

Board of County Commissioners  
County Administrator  
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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING**

**AMENDED**

**AMENDMENTS TO THE AGENDA**

**May 28, 2009**

**AGENDA ITEM #**  
**PAGE #**

**APPLICATION/CHANGE**

**POSTPONEMENTS**

3. (5-32) **ABN/DOA/EAC-2008-01892 Vista Center Parcel 23 – Subparcel 5  
(Control # 1984-130)**

Motion: To postpone thirty (90) days to Thursday, August 27, 2009.  
(Requested by the Agent)

**MOVE TO CONSENT**

16. (248-274) **DOA-2008-01891 Arvida Turnpike Plaza  
(Control #1979-119)**

Motion: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan subject to conditions of approval as indicated in Exhibit C.

**AMENDMENTS**

15. (225-247) **PDD/R-2008-01913 Hagen Commercial MUPD  
(Control 2008-421)**

Amend Engineering Condition 5 to read as follows:

5. The property owner shall modify the median on Hagen Ranch Road to restrict left turns in to the site from southbound lanes on Hagen Ranch, ~~and permit only left turns out from the site~~ and include adequate space for left turning vehicle storage within the median by increasing the width of the median, as approved by the County Engineer.



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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING**

**THURSDAY MAY 28, 2009**

**9:30 A.M. 6<sup>TH</sup> FLOOR**

**JANE M. THOMPSON MEMORIAL CHAMBERS**

**CALL TO ORDER**

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication
- D. Swearing In
- E. Adoption of Agenda

**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  
BOARD OF COUNTY COMMISSIONERS**

**MAY 28, 2009**

**CALL TO ORDER**

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file
- D. Swearing In - County Attorney
- E. Motion to Adopt Agenda

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. **PDD/DOA-2008-01536** Title: an Official Zoning Map Amendment to a Planned Development District application of Boynton Beach Assocs XVII LLLP, G L Homes Of Palm Bch Assocs Ltd, Palm Beach County by Kilday & Associates Inc., Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Residential Planned Unit Development (AGR-PUD) Zoning District  
Title: a Development Order Amendment of Boynton Beach Assocs XVII LLLP, G L Homes Of Palm Bch Assocs Ltd, Palm Beach County by Kilday & Associates Inc., Agent. Request: to reconfigure Master Plan, add land area and add units  
General Location: South of Boynton Beach Boulevard, West of the Florida Turnpike and East of Lyons Road (**Fogg South PUD**) (Control 2002-00069)

Pages:

Project Manager: Joyce Lawrence

Size: 529.57 acres ±

BCC District: 5

(affected area 22.22 acres ±)

Staff Recommendation: Staff recommends a sixty (60) day postponement to Thursday, July 23, 2009.

Zoning Commission Recommendation: Postponement Approval: 7-0 both request.

**MOTION:** To postpone sixty (60) days to Thursday, July 23, 2009.

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

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

**B. DISCLOSURES FOR THE CONSENT ITEMS**

**C. STATUS REPORTS - NEW**

- 2. **SR 2005-356** Status Report for Resolution R-2006-0010 (Control # 2005-356)  
Property Owner: Leyser LLC General Location: approximately 660 feet west of Pike Road on the north side of Southern Boulevard (Landmark Self Storage) Current Zoning: Light Industrial with a Conditional Overlay Zone (COZ) (**Landmark Self Storage**)

Pages: 1 - 4

Size: 4.35 acres ±

BCC District: 6

**MOTION:** To approve a time extension until February 20, 2012 for Resolution R-2006-0010.

**D. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

- 3. **ABN/DOA/EAC-2008-01892** Title: a Development Order Abandonment application of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to abandon the daycare, general granted under Resolution R-2005-0379  
Title: a Development Order Amendment of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to amend Preliminary Master Plan  
General Location: Approximately .5 miles east of the intersection of Okeechobee Blvd. and Jog Road (**Vista Center Parcel 23 - Subparcel 5**) (Control 1984-00130)

Pages: 5 - 32

Conditions of Approval (14 - 27)

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon the daycare, general granted under Resolution R-2005-0379

**MOTION:** To adopt a resolution approving a Development Order Amendment to amend the Preliminary Master Plan, subject to the Conditions as indicated in Exhibit C.

**E. ZONING APPLICATIONS - NEW**

4. **DOA-2008-00792** Title: a Development Order Amendment application of 1997 1951 by Siemon & Larsen P.A., Agent. Request: To modify and delete conditions of approval (Use Limitations and Engineering)

General Location: Southwest corner of Military Trail and Forest Hill Boulevard  
**(Target Shopping Center - 10 Cent Bingo)** (Control 1981-00157)

Pages: 33 - 59

Conditions of Approval (45 - 49)

Project Manager: Joyce Lawrence

Size: 14.88 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to 26 conditions as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

**MOTION:** To adopt a resolution approving a Development Order Amendment to modify and delete conditions of approval (Engineering and Use Limitation), subject to the Conditions as indicated in Exhibit C.

5. **ABN/Z-2008-01918** Title: a Development Order Abandonment application of Palm Beach County by Kilday & Associates Inc., Palm Beach County Department of Airports, Agent. Request: to revoke Resolution R-80-1615 which granted a Special Exception to allow an Office/Warehouse Use

Title: an Official Zoning Map Amendment of Palm Beach County by Kilday & Associates Inc., Palm Beach County Department of Airports, Agent. Request: to allow a rezoning from the Residential High Density (RH) in-part, the Multi-family Residential (RM) in-part, the Light Industrial (IL) in-part, and the General Commercial (CG) in-part Zoning Districts to the Public Ownership (PO) Zoning District

General Location: Area 1 - Northeast and northwest intersection of Military Trail and Southern Boulevard; Area 2 - Southeast intersection of Military Trail and Belvedere Road, west of the existing Palm Beach International Airport runway; Area 3 - north of Belvedere Road and the existing Palm Beach International Airport runway; Area 4 - parcels generally located at the northwest and northeast intersection of Belvedere Road and 5th Street; and Area 5 - parcels generally located on Grace Drive (**PBIA Properties Rezoning**) (Control 2008-00362)

Pages: 60 - 94

Conditions of Approval (91 - 92)

Project Manager: Donna Adelsperger

Size: 407.30 acres ±

BCC District: 6

(affected area 239.10 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 6 Voluntary Commitments.

Zoning Commission Recommendation: Approval: 7-0 for both requests

**MOTION:** To adopt a resolution approving a Development Order Abandonment to revoke Resolution R-80-1615 which granted a Special Exception to allow an Office/Warehouse Combination.

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) in-part, the Multi-family Residential (RM) in-part, the Light Industrial (IL) in-part, and the General Commercial (CG) in-part Zoning Districts to the Public Ownership (PO) Zoning District subject to the Voluntary Commitments as indicated in Exhibit C.

6. **ABN/DOA-2009-01358** Title: a Development Order Abandonment application of PBM Associates Ltd by Land Design South Inc., Agent. Request: to abandon the Special Exception for an Auto Service Station granted under R-1989-956  
Title: a Development Order Amendment of PBM Associates Ltd by Land Design South Inc., Agent. Request: to delete Conditions of Approval (Use Limitations)  
General Location: Southeast corner of Okeechobee Blvd and Frank Street. (**Palm Beach Market Place**) (Control 1988-00029)

Pages: 95 - 115

Conditions of Approval (106 - 111)

Project Manager: Donna Adelsperger

Size: 5.40 acres  $\pm$

BCC District: 2

Staff Recommendation: Staff recommends approval of the Development Order Abandonment and approval of the Development Order Amendment subject to the 19 Conditions of Approval as contained in Exhibit C.

**MOTION:** To adopt a resolution approving the Development Order Abandonment to revoke the Special Exception for an Auto Service Station granted under R-1989-956.

**MOTION:** To adopt a resolution approving a Development Order Amendment to delete conditions of approval (use limitations) subject to the Conditions of Approval as indicated in Exhibit C.

7. **ZV/DOA-2008-01377** Title: a Development Order Amendment application of Bright Horizons Childrens Ctr Inc Lessor by Richard W. Carlson Jr Esq, Agent. Request: to add land area and reconfigure the site plan  
General Location: Northeast quadrant of Davis Road and Melalueca Lane fronting on Davis Road (**JFK Medical Center Charter School**) (Control 2002-00006)

Pages: 116 - 151

Conditions of Approval (131 - 137)

Project Manager: Carol Glasser

Size: 7.16 acres  $\pm$

BCC District: 3

(affected area 0.96 acres  $\pm$ )

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 40 conditions of approval indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 5-1

**MOTION:** To adopt a resolution approving a Development Order Amendment to add land area and reconfigure the site plan subject to the conditions indicated in Exhibit C.



**F. CORRECTIVE RESOLUTIONS**

8. **Corrective Resolution:** To correct All Petitions Condition 1 in Exhibit C of Resolution R-2007-1030. (Church of God of Lantana aka Cornerstone Church) (R-2007-1030, Control 1979-244).

Pages: 152 - 152

**MOTION:** To adopt a resolution to correct All Petitions Condition 1 in Exhibit C of Resolution R-2007-1030.

**G. TDR CONTRACT AMENDMENTS**

**H. TDR CONTRACT, ESCROW AGREEMENT AND DEED**

**I. ABANDONMENTS**

**END OF CONSENT AGENDA**

## REGULAR AGENDA

## A. ITEMS PULLED FROM CONSENT

## B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

## C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

## D. PREVIOUSLY POSTPONED STATUS REPORTS

## E. STATUS REPORTS - NEW

9. **CR 1977-148.2** Status Report for Resolution R-2007-2135 (Control # 1977-148 (2007-519)) Property Owner: Polo Shopping LTD General Location: southeast corner of Military Trail and Saturn Avenue. Current Zoning: Multiple Use Planned Development Zoning District with a requested use for a place of worship (R-2007-2136) (**Casa de Restauracion**)

Pages: 153 - 157

Size: 7.58 acres ±

BCC District: 2

## DISCLOSURE

**MOTION:** To approve a time extension until March 12, 2010 to comply with Condition Number E7 of Resolution R-2007-2135.

10. **CR 1993-029(A).2** Status Report for Resolution R-2004-2273 (Control # 1993-029A) Property Owner: Robert C. Malt & Company General Location: northwest corner of Military Trail and Orleans Court. Current Zoning: General Commercial / Conditional Overlay Zone (**Orleans Court Commercial**)

Pages: 158 - 161

Size: 1.01 acres ±

BCC District: 6

## DISCLOSURE

**MOTION:** To approve a time extension until January 1, 2010 to comply with condition number E.6 of Resolution R-2004-2273.

- 11. **CR 2005-129** Status Report for Resolution R-2006-0521 (Control # 2005-129 (Z2005-1136) Property Owner: Five Partners, Ltd. General Location: southwest corner of Bischoff Road and Jog Road. Current Zoning: Light Industrial with a Conditional Overlay (**Five Partners, Ltd**)

Pages: 162 - 166

Size: 0.94 acres ±

BCC District: 6

DISCLOSURE

**MOTION:** To direct the Code Enforcement Division to cite the property owner for failure to commence development and for failure to comply with Conditions E.1, E.2 and E.3 of Resolution R-2006-0521 and Condition 6 of Resolution R-2007-086.

**F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**

- 12. **SCA-2008-00031** Title: application of 6595 Llc by Miller Land Planning, Agent. Request: LR-3 to INST

General Location: North side of Morikami Park Road, west of Jog Road (**Jog/Morikami INST**) (Control 2008-00133)

Pages: 167 - 182

Project Manager: Sze Li

Size: 7.31 acres ±

BCC District: 5

(affected area 7.29 acres ±)

Staff Recommendation: Approval of the proposed amendment from Low Residential, three units per acre (LR-3) to Institutional and Public Facilities (INST).

Planning Commission Recommendation: Approval 8-0.

**MOTION:** To adopt an ordinance approving the proposed amendment from Low Residential, three units per acre (LR-3) to Institutional and Public Facilities (INST).

13. **PDD-2008-01035** Title: an Official Zoning Map Amendment to a Planned Development District application of Sixty Five Eighty Five LLC by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

General Location: North side of Morikami Park Road, approximately 275 feet west of Jog Road (**Morikami Park Nursing Center**) (Control 2008-00133)

Pages: 183 - 200

Conditions of Approval (194 - 196)

Project Manager: Ora Owensby

Size: 7.28 acres  $\pm$

BCC District: 5

#### DISCLOSURE

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

Zoning Commission Recommendation: Approval: 7-0

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to conditions as indicated in Exhibit C.

14. **SCA-2009-00003** Title: William Mazzoni application of William Mazzoni by Land Design South Inc., Agent. Request: CL-O/5 to CL/5

General Location: Northeast corner of Hagen Ranch Road and Boynton Beach Boulevard (**Boynton/Hagen Ranch NE Commercial**) (Control 2008-00421)

Pages: 201 - 224

Project Manager: David Wiloch

Size: 7.92 acres  $\pm$

BCC District: 5

Staff Recommendation: Approval of the proposed amendment from Commercial Low Office with underlying Medium Residential 5 unit per acre (CL-O/5) to Commercial Low with underlying Medium Residential 5 unit per acre (CL/5).

Planning Commission Recommendation: Approval 14-0.

**MOTION:** To adopt an ordinance approving the proposed amendment from Commercial Low Office with underlying Medium Residential 5 unit per acre (CL-O/5) to Commercial Low with underlying Medium Residential 5 unit per acre (CL/5).

15. **PDD/R-2008-01913** Title: an Official Zoning Map Amendment to a Planned Development District application of William Mazzone by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District  
General Location: Northeast corner of Boynton Beach Boulevard and Hagen Ranch Road (**Hagen Commercial MUPD**) (Control 2008-00421)

Pages: 225 - 247

Conditions of Approval (238 - 241)

Project Manager: Joyce Lawrence

Size: 7.92 acres ±

BCC District: 5

#### DISCLOSURE

Staff Recommendation: Staff recommends approval subject to 21 Conditions of Approval as found in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0 for the Rezoning, Requested U

**MOTION:** To adopt a resolution approving an official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to conditions as indicated in Exhibit C.

### G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

### H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

### I. ZONING APPLICATIONS - NEW

16. **DOA-2008-01891** Title: a Development Order Amendment application of GR 305 LLC GR 470 LLC GR 2902 LLC and by Land Design South Inc., Agent. Request: to reconfigure the Site Plan  
General Location: Northeast corner of Florida's Turnpike and Glades Road. (**ARVIDA TURNPIKE PLAZA**) (Control 1979-00119)

Pages: 248 - 274

Conditions of Approval (263 - 266)

Project Manager: Anthony Wint

Size: 6.42 acres ±

BCC District: 5

(affected area 1.00 acres ±)

#### DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to twenty six (26) Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 7-0

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the site plan subject to conditions of approval as indicated in Exhibit C.

17. **CA-2008-01188** Title: a Class A Conditional Use application of Rey De Reyes King Of Kings Inc by Land Research Management Inc., Agent. Request: to allow a Place of Worship

General Location: Approximately 1200 feet east of Seminole Pratt Whitney Road on the south side of Okeechobee Boulevard (**King of Kings**) (Control 2008-00222)

Pages: 275 - 306

Conditions of Approval (296 - 298)

Project Manager: Ronald Sullivan

Size: 1.00 acres  $\pm$

BCC District: 6

#### DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to twenty-two (22) Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 5-2

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a place of worship subject to the Conditions as indicated in Exhibit C.

#### J. ULDC AMENDMENTS

#### K. COMPREHENSIVE PLAN TEXT AMENDMENTS

#### L. OTHER ITEMS

18. **PREM - AI - 2009-001** Delray Villas PUD Civic Site

Summary: The Delray Villas PUD Civic Site is a 5.93 acre parcel of property located at the southeast corner of Lake Ida Road and Via Flora in Delray Beach. This site was purchased by a developer, F.P. Dino, Inc., in October 2005 for \$750,000 with the intention of building a charter school - a requested use in the ULDC under the civic designation. The developer met strong opposition from the residents of Delray Villas against the school use due to several factors including traffic, buses, noise, and security. However, the Delray Villas residents appear to be in favor of a medical office development on the civic site. A medical office is not an allowed use under the civic designation and would require that the civic site either be cashed out or an alternate site be provided.

Recommendation: PREM recognizes the developer's situation; however, previous policy only supports full value civic site cash-outs. PREM therefore requests Board direction on how to proceed. Options include agreeing to a less than full value cash-out or requiring the developer to provide replacement civic land.

Pages: 307 - 310

**MOTION:** Agree to a less than full value cash-out. OR

Require the developer to provide replacement civic land.

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. EXECUTIVE DIRECTOR**

**B. COUNTY ATTORNEY**

**C. PLANNING DIRECTOR**

**D. ZONING DIRECTOR**

**19.** [AI-2009-002](#) Administrative Inquiry on AGR-TMD

Pages: 311 - 317

**COMMISSIONER COMMENTS**

**ADJOURNMENT**