



**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING  
AMENDMENTS TO THE AGENDA  
February 25, 2010**

**AGENDA ITEM #  
PAGE #**

**APPLICATION/CHANGE**

**POSTPONE TO MARCH 31, 2010**

10. (97-148)                    **ZV/W/DOA-2008-1900 Delray Marketplace**

**AMENDMENTS**

5. (10-36)                    **Z/DOA-2009-0206 Maranatha Church**

**Amend Engineering condition E.4 to read as follows:**

4. ... Within ninety (90) days of being notified by the County Engineer, the property owner shall provide to Palm Beach County a road drainage easement within the project's internal stormwater system capable of accommodating water quality ~~all runoff~~ from those segments of Prosperity Farms Road along the property frontage and for a maximum four hundred (400) foot distance each side of the property boundary lines along Prosperity Farms Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements for water quality of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Cross ~~Section road drainage runoff~~. (ONGOING: ENGINEERING-Eng)

13. (203-208)                    **RESOLUTION AMENDING RESOLUTION R-2008-1754**

**VARIANCES FROM BOARD OF ADJUSTMENT**

(double fees will be assessed for variances resulting from construction without permit or as a result of enforcement action).



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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING**

**THURSDAY FEBRUARY 25, 2010**

**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**

**FEBRUARY 25, 2010**

**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. **DOA/R-2009-00995** Title: a Development Order Amendment application of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to modify the site plan

Title: a Requested Use of Woolbright Jog LLC by Land Design South Inc., Agent. Request: to allow a Day Care, General

General Location: Northwest corner of Woolbright Road and Jog Road (**Valencia Square MUPD**) (Control 1998-00078)

Pages:

Project Manager: Joyce Lawrence

Size: 23.85 acres ±

BCC District: 5

Staff Recommendation: To recommend postponement of the application to March 31, 2010.

Zoning Commission Recommendation: Postpone: 8-1

**MOTION:** To postpone the application to March 31, 2010.

2. **DOA/EAC-2009-03925** Title: a Development Order Amendment application of Packer Family Ltd Partnership by Johnston Group Land Development Consultants Inc., Agent. Request: to allow modification Conditions of Approval (Automobile Truck and Sale).

General Location: Approximately 0.25 miles East of Palm Beach Lakes Blvd., on the South side of Okeechobee Road. (**PLFP Okeechobee Parcel**) (Control 1997-00110)

Pages: 1 - 1

Project Manager: David McGuire

Size: 0.61 acres ±

BCC District: 2

Staff Recommendation: To recommend postponement of the application to March 31, 2010.

**MOTION:** To postpone the application to March 31, 2010.

**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**

- 3. **STR-2005-00590-1** Status Report for Resolutions R-2005-1530 and 2005-1531 (Control # 2005-590) Property Owner: Anthony and Stephen Morrison General Location: north side of Belvedere. Road, 0.2 mile west of Skees Road Current Zoning: Single Family (RS) with a Conditional Use A to allow a church and daycare. **(United Overcomer Church of God in Christ)**

Pages: 2 - 5

Size: 3.50 acres ±

BCC District: 2

**MOTION:** to approve 1) a three-year time extension, from August 23, 2009 to August 23, 2012 to commence development, and 2) a time extension for Condition E.1 from August 24, 2009 to August 24, 2012.

- 4. **STR-2003-00072-1** Status Report for Resolution R-2004-2276 (Control # 2003-072) Property Owner: Leonidas Alfaro General Location: east side of Skees Road, 660 feet north of Belvedere Road, Current Zoning: Light Industrial (IL) **(1150 Skees Road)**

Pages: 6 - 9

Size: 1.00 acres ±

BCC District: 2

**MOTION:** to approve 1) a three-year time extension, from October 28, 2009 to October 28, 2012 to commence development, and 2) a time extension for Condition E.1 from September 23, 2009 to September 23, 2012.

**D. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

5. **Z/DOA-2009-00205** Title: an Official Zoning Map Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District.  
Title: a Development Order Amendment of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to reconfigure the site plan.  
General Location: Northwest corner of Lone Pine Road and Prosperity Farms Road **(Maranatha Church)** (Control 1973-00160)

Pages: 10 - 36

Conditions of Approval (29 - 34)

Project Manager: Carol Glasser

Size: 12.47 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 20 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 9,0

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District.

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

**E. ZONING APPLICATIONS - NEW**

6. **DOA-2009-04430** Title: a Development Order Amendment application of Martin Pakideh by David Lawrence Architecture, Agent. Request: to reconfigure the site plan and add square footage  
General Location: Northeast corner of Australian Avenue and Southern Boulevard **(Palm Beach Airport Hilton Expansion)** (Control 2000-00096)

Pages: 37 - 55

Conditions of Approval (48 - 51)

Project Manager: Douglas Robinson

Size: 35.81 acres ±

BCC District: 2

(affected area 1.17 acres ±)

Staff Recommendation: Staff recommends approval of the request subject 16 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 9-0

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

7. **Z/COZ-2009-02175** Title: an Official Zoning Map Amendment application of Reguez Investments LLC by Land Research Management Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ)  
Title: Conditional Overlay Zone of Reguez Investments LLC by Land Research Management Inc., Agent. Request: to apply Engineering conditions  
General Location: Northeast corner of the intersection of Tall Pines Road and Wallis Road. **(288 Tall Pines Road)** (Control 2009-00566)

Pages: 56 - 70

Conditions of Approval (65 - 66)

Project Manager: Ora Owensby

Size: 1.22 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approval: 9-0

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ), subject to the Conditions of Approval as indicated in Exhibit C.

**MOTION:** to apply Engineering conditions

8. **Z/CA-2009-00211** Title: an Official Zoning Map Amendment application of Sunshine Commercial Investments Inc by South East Architect Services Inc, Agent. Request: to allow rezoning from Agricultural Residential (AR) Zoning District to Commercial Low Office (CLO) Zoning District  
Title: a Class A Conditional Use of Sunshine Commercial Investments Inc by South East Architect Services Inc, Agent. Request: to allow a medical office  
General Location: North of Military Trail, at the intersection of Military Trail and Old Military Trail **(Sunshine Medical Office Building)** (Control 2004-00956)

Pages: 71 - 93

Conditions of Approval (86 - 89)

Project Manager: Joyce Lawrence

Size: 0.99 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) subject to 7 Conditions of Approval as indicated in Exhibit C-1 and approval for a Class A Conditional Use subject to 8 Conditions of Approval as indicated in Exhibit C -2.

Zoning Commission Recommendation: Approval: 9-0

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) to allow a rezoning from the Agricultural Residential (AR) Zoning District to Commercial Low Office (CLO) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a medical office building subject to the Conditions of Approval as indicated in Exhibit C-2.

**F. CORRECTIVE RESOLUTIONS**

**G. ABANDONMENTS**

- 9. **ABN-2010-00140** Title: a Development Order Abandonment application of William Ader by , Agent. Request: to abandon a Special Exception to allow used car sales.

General Location: Okeechobee Boulevard and Congress Avenue. **(2440 Okeechobee)** (Control 1987-00025)

Pages: 94 - 96

Project Manager: David McGuire

Size: 0.24 acres ±

BCC District: 2

Staff Recommendation: Staff recommends abandonment of the Special Exception to allow a Commercial New and Used, automobile, truck, boat, motorcycle, mobile home, recreation vehicles sales and rental and repair facilities and lots.

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon a Special Exception to allow a Commercial New and Used, automobile, truck, boat, motorcycle, mobile home, recreation vehicles sales and rental and repair facilities and lots.

**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**
  
- F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**
  
- G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION**

**H. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

10. **ZV/W/DOA-2008-01900** Title: a Waiver from Traditional Development District parking structures in the Agricultural Reserve Tier application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow surface parking in excess of 1 space per 250 square feet of non-residential floor area.

Title: a Development Order Amendment of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify and delete Conditions of Approval (Building and Site Design, Planning).

General Location: Northwest corner of West Atlantic Avenue and future Lyons Road. (**Delray Marketplace**) (Control 2004-00616)

Pages: 97 - 148

Conditions of Approval (123 - 140)

Project Manager: Carol Glasser

Size: 88.33 acres  $\pm$

BCC District: 5

(affected area 32.82 acres  $\pm$ )

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the Waiver subject to 5 Conditions of Approval as indicated in Exhibit C-2; and, approval of the Development Order Amendment subject to 78 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approval: 7-0

**MOTION:** To adopt a resolution approving a Waiver from Traditional Development District parking structures in the Agricultural Reserve Tier subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify and delete Conditions of Approval (Building and Site Design, Planning) subject to the Conditions of Approval as indicated in Exhibit C-3.

**I. ZONING APPLICATIONS - NEW**

11. **PDD/DOA/R/TDR-2009-03303** Title: an Official Zoning Map Amendment to a Planned Development District application of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District

Title: a Development Order Amendment of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to modify the Master Plan; to add land area, add units, reconfigure the site plan, modify conditions of approval (Planning and Zoning) and restart the commencement clock

Title: a Requested Use of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow a Daycare, General.

Title: a Transfer of Development Rights of Hypoluxo Acquisition LLC by CMS Engineering LLC, Agent. Request: to allow the Transfer of Development Rights for 126 units and approved the reduced cost of \$1.00 per unit for the Transfer of Development Rights units

General Location: Approximately 1,560 feet west of Military Trail, on the south side of Hypoluxo Road. (**Isola Bella Isles PUD**) (Control 2004-00458)

Pages: 149 - 195

Conditions of Approval (175 - 187)

Project Manager: Andrea Harper

Size: 70.98 acres  $\pm$

BCC District: 3

(affected area 53.69 acres  $\pm$ )

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the requests subject to 47 Conditions of Approval as indicated in Exhibit C-1, 7 Conditions of Approval as indicated in Exhibit C-2 and 8 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approval: 9-0, as amended

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

**MOTION:** To adopt a resolution approving Development Order Amendment to modify the Master Plan; to add land area, add units, reconfigure site plan, modify conditions of approval (Planning and Zoning) and restart the commencement clock subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a resolution approving a Requested Use to allow a Daycare, General subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving the Transfer of Development Rights for 126 units and approve the reduced cost of \$1.00 per unit for the Transfer of Development Rights units subject to the Conditions of Approval as indicated in Exhibit C-3.

**J. ULDC AMENDMENTS**

12. **FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING: UNIFIED LAND DEVELOPMENT CODE (ULDC) - PAIN MANAGEMENT CLINIC MORATORIUM**

Staff Recommendation: Staff recommends a motion to approve on First Reading and to advertise for Second Reading / Adoption on March 31, 2010 at 9:30 a.m.

Pages: 196 - 202

**MOTION:** To approve on first reading and to advertise for Second Reading / Adoption on March 31, 2010 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVAL FOR PAIN MANAGEMENT CLINICS, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 6- PARKING; CHAPTER A, PARKING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

#### **K. COMPREHENSIVE PLAN TEXT AMENDMENTS**

#### **L. OTHER ITEMS**

13. **RESOLUTION AMENDING RESOLUTION R-2008-1754** OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE OFFICIAL SCHEDULES OF FEES TO BE CHARGED FOR PLANNING, ZONING AND ADMINISTRATION APPLICATIONS, ADMINISTRATIVE REVIEWS, SPECIAL PERMITS, LEGAL ADVERTISING, DOCUMENTS AND REPRODUCTION OF RECORDS, AS PROVIDED FOR BY ARTICLE 2 CHAPTER A, SECTION 1.C.2, PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR MODIFICATION OF INCREASE OF FEES; PROVIDING FOR AN EFFECTIVE DATE, FOR PERIODIC REVIEW, AND FOR OTHER PROVISIONS.

Pages: 203 - 208

**MOTION:** To adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida, amending R-2008-1754, the Official Schedules of Fees to be charged by Planning, Zoning and Administration to amend previous Schedule of Fees.

### **END OF REGULAR AGENDA**

#### **DIRECTOR COMMENTS**

##### **A. EXECUTIVE DIRECTOR**

##### **B. COUNTY ATTORNEY**

##### **C. PLANNING DIRECTOR**

**D. ZONING DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**