



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
AUGUST 22, 2013**

**AGENDA ITEM #
(PAGE #)**

APPLICATION/CHANGE

CONSENT AGENDA

ZONING APPLICATIONS – NEW

- | | | |
|-------------|--|--|
| 5. (73-104) | ABN/EAC-2013-01377
(Control 1985-00171) | JCC, Meyer Academy and
Oxbridge Academy at Dorfman
PUD |
|-------------|--|--|

AMEND second motion to read as follows:

To adopt a resolution approving a Development Order Amendment to modify a Condition of Approval (Use Limitation) for the Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

ADD a third motion to read as follows:

To adopt a resolution approving a Development Order Amendment to modify a Condition of Approval (Use Limitation) for the Planned Unit Development subject to the Conditions of Approval as indicated in Exhibit C-2.

REGULAR AGENDA

- | | |
|---------------|--|
| 12. (298-299) | Unified Land Development Code (ULDC) – Amendment Round
2013-01 Adoption |
|---------------|--|

AMEND Exhibit F, Freestanding Automated Teller Machines (ATM) – to delete Part 5, lines 16 – 37 [pg. 298] and lines 1 - 3 [pg. 299], as follows:

~~Part 5. ULDC Art. 5.C.1.B., Architectural Guidelines (page 33 of 92), is hereby amended as follows:~~

~~CHAPTER C DESIGN STANDARDS~~

~~Section 1 Architectural Guidelines~~

~~B. Threshold~~

~~This Chapter shall apply to the following projects, buildings, structures, and related signs:~~

~~1. General~~

- ~~a. All nonresidential projects or buildings requiring approval by the BCC or ZC; [Ord. 2006-036]~~

- ~~b. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A, Use Matrix, and Table 3.D.1.A, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A, Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036]~~
- ~~c. Multi-family buildings with more than 16 units or three or more stories; [Ord. 2006-036] [Ord. 2009-040] [Ord. 2010-005]~~
- ~~d. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and [Ord. 2006-036]~~
- ~~e. The following uses, regardless of building size: [Ord. 2006-036]~~
 - ~~1) Automotive paint or body shop; [Ord. 2006-036]~~
 - ~~2) Repair and maintenance, general; [Ord. 2006-036] [Ord. 2012-027]~~
 - ~~3) Retail sales, automotive parts and accessories; ~~and~~, [Ord. 2006-036] [Ord. 2012-027] ~~[Ord. 2013-]~~~~
 - ~~4) Type I restaurants with drive through requesting location criteria exception pursuant to Art. 4.B.1.A.109, Restaurant, Type I; ~~and~~ [Ord. 2012-027]~~
 - ~~5) Freestanding ATMs. [Ord. 2013-]~~



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY AUGUST 22, 2013

9:30 A.M. 6TH 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

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AUGUST 22, 2013

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. **SV/Z/CA-2012-03112** Title: a Subdivison Variance application of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow access to a non-residential property from a 60-foot wide Ultimate Right of Way for Ranches Road, which is 20 feet less than the required 80 feet in width
Title: an Official Zoning Map Amendment of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow the rezoning from the Single Family Residential (RS) Zoning District to the Residential Transitional (RT) Zoning District
Title: a Class A Conditional Use of Scott Freeland by Charles Putman & Associates, Agent. Request: to allow a General Day Care Center
General Location: South of Hypoluxo Road on the northeast side of Jog Road and Ranches Road (**Learning Place Academy**) (Control 1975-00145)

Pages: 1 - 2

Project Manager: Joyce Lawrence

Size: 1.05 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to September 26, 2013.

MOTION: To postpone to September 26, 2013.

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

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 2. **ZV/DOA-2012-01580** Title: a Type II Variance application of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to allow an increase for the build to line
Title: a Development Order Amendment of Hertz Corp by Fishbeck Thompson Carr & Huber, Agent. Request: to reconfigure the site plan to add square footage for a car wash
General Location: Belvedere Road and 5th Street (**Hertz Rent A Car**) (Control 1986-00080)

Pages: 3 - 23

Conditions of Approval (8 - 12)

Project Manager: David McGuire

Size: 6.75 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1 and 10 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved 9-0

MOTION: To adopt a Resolution approving a Development Order Amendment to reconfigure the site plan and add square footage for a Car Wash facility subject to Conditions of Approval as indicated in Exhibit C-2.

3. **DOA/R-2012-01264** Title: a Development Order Amendment application of Rreef 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: 24 - 50

Conditions of Approval (29 - 38)

Project Manager: David McGuire

Size: 36.96 acres ±

BCC District: 5

(affected area 2.63 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 70 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 9-0

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

E. ZONING APPLICATIONS - NEW

4. **DOA/R-2013-00758** Title: a Development Order Amendment application of New Hope Charities Inc by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to modify the Preliminary Master Plan to reconfigure the Pods to increase the square footage of the Elementary or Secondary School (Charter); increase the number of students; to delete/modify Conditions of Approval (Daycare and Use Limitation); and to restart the commencement date of the Development

Title: a Requested Use of New Hope Charities Inc by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow an Elementary or Secondary School (Charter)

General Location: 0.2 mile north of the intersection of Morgan Road and State Road 15 (**Santa Maria Village PUD**) (Control 1987-00049)

Pages: 51 - 72

Conditions of Approval (56 - 59)

Project Manager: Joyce Lawrence

Size: 40.04 acres ±

BCC District: 6

(affected area 8.40 acres ±)

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

Zoning Commission Recommendation: Approved 9-0 for both requests

MOTION: To adopt a resolution approving a Development Order Amendment to modify the Preliminary Master Plan to reconfigure the Pods to increase the square footage of the Elementary or Secondary School (Charter); increase the number of students; to delete/modify Conditions of Approval (Daycare and Use Limitation); and to restart the commencement date of the Development subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Requested Use to allow an Elementary or Secondary School (Charter).

5. **ABN/EAC-2013-01337** Title: a Development Order Abandonment application of Oxbridge Academy Foundation Inc by Urban Design Kilday Studios, Agent. Request: to abandon the General Day Care use approved under Resolution R-2011-792

Title: an Expedited Application Consideration of Oxbridge Academy Foundation Inc by Urban Design Kilday Studios, Agent. Request: to modify a Condition of Approval (Use Limitation)

General Location: Northwest corner of Military Trail and Community Drive (**JCC, Meyer Academy and Oxbridge Academy at Dorfman PUD**) (Control 1985-00171)

Pages: 73 - 104

Conditions of Approval (78 - 89)

Project Manager: Joyce Lawrence

Size: 80.36 acres ±

BCC District: 7

(affected area 40.72 acres ±)

Staff Recommendation: Staff recommend approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 61 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the General Day Care use approved under Resolution R-2011-792.

MOTION: To adopt a resolution approving a Development Order Amendment to modify a Condition of Approval (Use Limitation) subject to Conditions of Approval as indicated in Exhibit C-1 and Conditions of Approval as indicated in Exhibit C-2.

F. CORRECTIVE RESOLUTIONS

G. 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

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

6. **SCA-2013-00005** Title: Barkley Place application of Barkley International, Inc - Jay Wallshein by Miller Land Planning, Agent. Request: From Commercial High Office 3 units per acre (CHO/3) to High Residential 8 units per acre (HR-8)

General Location: South side of Hypoluxo Road, west of Military Trail (**Barkley Place**) (Control 2003-00040)

Pages: 105 - 136

Project Manager: Stephanie Gregory

Size: 3.14 acres \pm

BCC District: 3

(affected area 3.04 acres \pm)

Staff Recommendation: Approval of the proposed amendment from Commercial High Office with underlying Low Residential, 3 units per acre (CH-O/3) to Commercial Low with an underlying Low Residential, 3 units per acre (CL/3)

Planning Commission Recommendation: Approved 8-0.

MOTION: To adopt an ordinance approving the proposed amendment from Commercial High Office with underlying Low Residential, 3 units per acre (CH-O/3) to Commercial Low with an underlying Low Residential, 3 units per acre (CL/3)

7. **ABN/Z/CA-2012-03377** 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 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: 137 - 160

Conditions of Approval (144 - 147)

Project Manager: David McGuire

Size: 3.04 acres \pm

BCC District: 3

DISCLOSURE

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 13 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved 6-0 for both requests

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

8. **SCA-2013-00010** Title: Rasmussen Commercial, Small Scale Land Use Amendment application of Palm Beach County BCC by Palm Beach County, Agent. Request: From Medium Residential, 5 units per acre (MR-5) to Commercial Low with an underlying Medium Residential, 5 units per acre (CL/5)
General Location: 360 feet north of Lantana Road and west of Haverhill Road (**Rasmussen Commercial**) (Control 2012-00253)

Pages: 161 - 169

Project Manager: Stephanie Gregory

Size: 6.86 acres \pm

BCC District: 2

(affected area 5.07 acres \pm)

Staff Recommendation: Approval of the proposed amendment from Medium Residential, 5 units per acre (MR-5) to Commercial Low with an underlying Medium Residential, 5 units per acre (CL/5) and CL/5 with crosshatching

Planning Commission Recommendation: Approval 10-0.

MOTION: To adopt an ordinance approving the proposed amendment from Medium Residential, 5 units per acre (MR-5) to Commercial Low with an underlying Medium Residential, 5 units per acre (CL/5) and CL/5 with crosshatching

9. **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: 170 - 192

Conditions of Approval (174 - 175)

Project Manager: David McGuire

Size: 6.88 acres ±

BCC District: 2

(affected area 5.10 acres ±)

DISCLOSURE

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

Zoning Commission Recommendation: Approved 9-0

MOTION: To adopt a resolution approving 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.

10. **ZV/Z/CA-2012-02085** 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 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: 193 - 243

Conditions of Approval (205 - 208)

Project Manager: David McGuire

Size: 6.88 acres ±

BCC District: 2

(affected area 1.78 acres ±)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment subject to a Conditional Overlay Zone and 3 Conditions of Approval as indicated in Exhibit C-1.

Staff recommends Denial of the Class A Conditional Use.

Zoning Commission Recommendation: Recommended Approval 9-0 for the Official Zoning Map Amendment; and Recommended Approval 7-2 for the Class A Conditional Use

MOTION: To adopt a resolution approving 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-1.

MOTION: To adopt a resolution denying a Class A Conditional Use to allow a Convenience Store with Gas Sales.

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

11. **ZV/DOA/R-2012-00979** Title: a Development Order Amendment application of SE Petro One LLC by Core States Group, Agent. Request: to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design)

Title: a Requested Use Request of SE Petro One LLC by Core States Group, Agent. Request: to allow a Convenience Store with Gas Sales

General Location: South side of Glades Road east of Florida's Turnpike (**Arvida Parkway Center**) (Control 1980-00161)

Pages: 244 - 284

Conditions of Approval (256 - 262)

Project Manager: Carol Glasser

Size: 23.84 acres ±

BCC District: 5

(affected area 1.46 acres ±)

DISCLOSURE

Staff Recommendation: Staff recommends denial of the Development Order Amendment and Requested Use.

Zoning Commission Recommendation: Approved the Type II Variance 8-1 and Recommended Approval 7-2 for the Development Order Amendment and the Requested Use.

MOTION: To adopt a resolution denying a Development Order Amendment to reconfigure the Site Plan; add square footage and pumps; and, modify Condition of Approval (Site Design).

MOTION: To adopt a resolution denying a Requested Use to allow a Convenience Store with Gas Sales.

I. ZONING APPLICATIONS - NEW**J. ULDC AMENDMENTS**

12. **TITLE: ADOPTION HEARING - UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2013-01**

Staff Recommendation: Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

Pages: 285 - 311

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS; CHAPTER B; INTERPRETATION OF THE CODE; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER A, GENERAL; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER D, EXCAVATION; ARTICLE 5- SUPPLEMENTARY STANDARDS; CHAPTER C, DESIGN STANDARDS; NEW CHAPTER I, MURALS; NEW CHAPTER J, BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE; ARTICLE 6- PARKING; CHAPTER A, PARKING; ARTICLE 7- LANDSCAPING; CHAPTER D, GENERAL STANDARDS; ARTICLE 8-SIGNAGE; CHAPTER B, EXEMPTIONS; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; ARTICLE 10- ENFORCEMENT; CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

13. [Phase I Privately Initiated Amendment \(PIA\), PIA2013-06.](#) Commercial Communication Towers in Recreation Pods of PUDs.

Title: A Phase I Privately Initiated Amendment application of Vertex Development, Law Offices of Lauralee G. Westine, P.A., Lauralee Westine, Agent. Request: to allow limited types of Commercial Communication Towers in the Recreation Pods of PUDs, subject to Class A Conditional Use Approval.

Project Manager: William Cross, AICP, Principal Site Planner Countywide

Staff Recommendation: Staff recommends initiating a Phase II PIA for a ULDC Amendment to allow for limited types of Commercial Communication Towers in the Recreation Pods of PUDs, subject to Class A Conditional Use Approval, to be included in ULDC Amendment Round 2013-02. The applicant has agreed to the staff recommendation.

Pages: 312 - 325

MOTION: To approve the initiation of a Phase II PIA for a ULDC Amendment to allow for limited types of Commercial Communication Towers in the Recreation Pods of PUDs, subject to Class A Conditional Use Approval, to be included in ULDC Amendment Round 2013-02.

14. Phase I Privately Initiated Amendment (PIA), PIA2013-007. Hospital or Medical Center Minimum Lot Size Requirements.

Title: A Phase I Privately Initiated Amendment application of Herta Suess and Frank Suess, by Land Research Management, Kevin McGinley, Agent. Request: to delete the requirement that a minimum of 5 acres, or the minimum of the district, whichever is greater, be required to develop a Hospital or Medical Center.

Project Manager: William Cross, AICP, Principal Site Planner Countywide

Staff Recommendation: Staff is proposing to initiate an alternative amendment in Round 2013-02 that would allow for Type II Variance relief for minor reductions in minimum required acreage when a lot has been reduced slightly below the minimum acreage required due to Eminent Domain taking for road Right of Way. The applicant has agreed to the staff recommendation.

Pages: 326 - 333

MOTION: To approve initiation of a ULDC Amendment in Round 2013-02 to allow for Type II Variance relief for minor reductions in minimum required acreage resulting from Eminent Domain proceedings

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. DEPUTY COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT