



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
DECEMBER 5, 2013**

<u>AGENDA ITEM #</u>	<u>APPLICATION # CONTROL #</u>	<u>(PAGE #)</u>	<u>APPLICATION NAME</u>
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REGULAR AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT – DEVIATIONS

AMENDMENTS AND ADDITIONS

7.	Z-2013-01842 (Control No. 2013-00122)	(99-113)	Town of Lake Clark Shores
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DISCLOSURE is required for this item

8.	PCN-2013-02731 (Control No. 2013-00122)	(114-125)	Town of Lake Clark Shores
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DISCLOSURE is required for this item

J. ULDC AMENDMENTS

11. **Request for Permission to Advertise – Unified Land Development Code (ULDC) Amendment Round 2013-02**

(168)

AMEND Exhibit C, Article 14 – Environmental Standards - lines 42-43, Part 4 as follows*:

P. Initial Clearing of for an Agricultural Operations Less Than 10 Acres
Initial clearing of for an agricultural operation less than 10 acres is exempt, provided that the level of clearing does not exceed the area for crop production.

(171)

AMEND Exhibit E, Article 2– Development Review Officer - line 43, Part 1 as follows*:

....
8) Minor ~~Mm~~odifications to approved architectural elevations....
....

(172)

AMEND Exhibit E, Article 2– Development Review Officer - lines 4, 9 and 11, Part 1 as follows*:

~~e.5) Proposed canopies;~~
....
~~h.8) Proposed fences; and,~~
....
[Renumber accordingly.]

d. The Zoning Director shall maintain PPM Z0-0-29, subject to periodical updates,....
....



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY DECEMBER 5, 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**

DECEMBER 5, 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 Subdivision 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 - 1

Project Manager: Joyce Lawrence

Size: 1.06 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to January 9, 2014.

MOTION: To postpone to January 9, 2014.

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. **DOA-2013-01606** Title: a Development Order Amendment application of Pine Trail Square Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan and to add square footage.

General Location: Southwest corner of Military Trail and Okeechobee Boulevard. **(Pine Trail Shopping Center)** (Control 1978-00273)

Pages: 2 - 26

Conditions of Approval (7 - 13)

Project Manager: Roger Ramdeen

Size: 28.07 acres ±

BCC District: 7

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

Zoning Commission Recommendation: Recommended approval of the Development Order Amendment 8-0.

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

E. ZONING APPLICATIONS - NEW

3. **ZV/DOA/R-2013-01841** Title: a Development Order Amendment application of LW Jog SC Ltd by Perry & Taylor PA, Agent. Request: to modify the Site Plan and add a use.

Title: a Requested Use of LW Jog SC Ltd by Perry & Taylor PA, Agent. Request: to allow a Fitness Center.

General Location: Southeast corner of Lake Worth Road and Jog Road. **(Lake Worth Plaza West)** (Control 1973-00091)

Pages: 27 - 43

Conditions of Approval (31 - 34)

Project Manager: Joyce Lawrence

Size: 27.14 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 18 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved the Type II Variance and recommended approval of the Development Order Amendment and Requested Use 8-0.

MOTION: To adopt a resolution approving a Development Order Amendment to modify the Site Plan and add a use subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow a Fitness Center.

4. **DOA/R-2013-01330** Title: a Development Order Amendment application of Garrison West Palm Retail LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the Site Plan and to add square footage and uses.

Title: a Requested Use of Garrison West Palm Retail LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Type I Restaurant.

General Location: Northeast corner of Southern Boulevard and Sansburys Way. **(Shoppes at Southern Palms)** (Control 2007-00018)

Pages: 44 - 71

Conditions of Approval (49 - 56)

Project Manager: Roger Ramdeen

Size: 24.35 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 28 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended approval of the Development Order Amendment and Requested Use 8-0.

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

MOTION: To adopt a resolution approving a Requested Use to allow a Type I Restaurant.

- 5. **EAC-2013-02126** Title: an Expedited Application Consideration application of Town Commons Acquisition LLC by CMS Engineering LLC, Agent. Request: to delete a Condition of Approval (Engineering).
General Location: Northeast corner of Hypoluxo Road and Lyons Road. **(Town Commons MUPD 2)** (Control 2004-00248)

Pages: 72 - 95

Conditions of Approval (76 - 82)

Project Manager: David McGuire

Size: 16.42 acres ±

BCC District: 3

(affected area 3.10 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 37 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application to modify a Condition of Approval (Engineering) subject to the Conditions of Approval in Exhibit C.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

- 6. **ABN-2013-02596** Title: a Development Order Abandonment application of Hillsboro Office Building LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to abandon Resolution R1984-00515 approving a Special Exception to allow chemical storage tanks.
General Location: Located on the west side of State Road 7 between Judge Winikoff Road to the north and Sandalfoot Boulevard to the south. **(Hillsboro Plaza)** (Control 1983-00171)

Pages: 96 - 98

Project Manager: Inna Stafeychuk

Size: 1.49 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Development Order Abandonment of Resolution R-1984-00515 for a Special Exception to allow chemical storage tanks.

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

7. **Z-2013-01842** Title: an Official Zoning Map Amendment application of Lake Clarke Shores Town Of by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a rezoning from the Residential Multi-Family (RM) Zoning District to Public Ownership (PO) Zoning District.

General Location: Approximately 700 feet east of the intersection of Seminole Drive and Kewanee Road and 310 feet north of Kewanee Road. **(Town of Lake Clarke Shores Public Works)** (Control 2013-00122)

Pages: 99 - 113

Project Manager: Donna Adelsperger

Size: 1.58 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request.

Zoning Commission Recommendation: Recommended approval of the Rezoning 8-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential Multi-Family (RM) Zoning District to Public Ownership (PO) Zoning District.

- 8. **PCN-2013-02731** Title: a Deviation for development within the PO Zoning District application of Town of Lake Clarke Shores by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow deviations from Article 6 Parking to allow reduction in Pedestrian Pathway width; Article 7 Landscaping to eliminate protective curbing; to eliminate compatibility buffer on the north, south and west property lines; to reduce the right-of-way buffer width; to eliminate trees and reduce the number of shrub layers in the right-of-way buffer; to reduce the number of onsite trees and shrubs; to eliminate foundation planting; and to reduce landscape island width.

General Location: Approximately 700 feet east of the intersection of Seminole Drive and Kewanee Road and 310 feet north of Kewanee Road. **(Town of Lake Clarke Shores Public Works)** (Control 2013-00122)

Pages: 114 - 125

Project Manager: Daniel Clark, Town Administrator

Size: 1.58 acres ±

BCC District: 3

MOTION: To adopt a resolution approving a Public Ownership Deviation to allow deviations from Article 6 Parking to allow reduction in Pedestrian Pathway width; Article 7 Landscaping to eliminate protective curbing; to eliminate compatibility buffer on the north, south and west property lines; to reduce the right-of-way buffer width; to eliminate trees and reduce the number of shrub layers in the right-of-way buffer; to reduce the number of onsite trees and shrubs; to eliminate foundation planting; and to reduce landscape island width.

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

- 9. **CTR-1974-00083-2** Status Report for Resolution R-2011-0568 Property Owner: Covenant Centre Inc General Location: Northwest corner of Roan Lane and Northlake Boulevard Current Zoning: Multi-family Residential (RM) **(Covenant Church)**

Pages: 126 - 131

Size: 3.33 acres ±

BCC District: 1

DISCLOSURE

MOTION: To adopt a resolution approving the revocation of a Class A Conditional Use to allow a Charter School granted under Resolution R-2011-0568.

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

I. ZONING APPLICATIONS - NEW

10. **W-2013-02239** Title: a Type II Waiver application of Tax Collector of Palm Beach County - Anne Gannon by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the required setback for outdoor uses adjacent to residential; to exceed the individual building length; to not provide a Pedestrian Pass Thru; to allow a reduction in the size of the minimum open space; to allow useable open space along the primary frontage, and to eliminate benches and trash receptacles along Landar Drive.

General Location: Northwest corner of Landar Drive and Military Trail. **(Central Palm Beach Service Center)** (Control 1977-00190)

Pages: 132 - 158

Conditions of Approval (138 - 139)

Project Manager: Donna Adelsperger

Size: 3.29 acres \pm

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended approval of the Type II Waivers 8-0.

MOTION: To adopt a resolution approving a Type II Waiver to allow a reduction in the required setback for outdoor uses adjacent to residential; to exceed the individual building length; to not provide a Pedestrian Pass Thru; to allow a reduction in the size of the minimum open space; to allow useable open space along the primary frontage; and to eliminate the required benches and trash receptacles along Landar Drive subject to the Conditions of Approval as indicated in Exhibit C.

J. ULDC AMENDMENTS

11. **TITLE: REQUEST FOR PERMISSION TO ADVERTISE**
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2013-02

Staff Recommendation: Staff recommends a motion to approve on preliminary reading and advertise for First Reading on January 9, 2014.

Pages: 159 - 179

MOTION: MOTION: To approve on preliminary reading and advertise for First Reading on January 9, 2014: 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 C, RULES OF CONSTRUCTION; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER A, GENERAL; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD'S); ARTICLE 4- USE REGULATIONS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; ARTICLE 5- SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; ARTICLE 14- ENVIROMENTAL STANDARDS; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

- 12. [Private Application for Text Amendment Initiation](#). Additional Commercial Low (CL) uses in the Agricultural Reserve.

Title: A private application of Doug Feurring et al Properties, Inc. by Land Design South, Bob Bentz, Agent. Request: to modify Ag Reserve Commercial provisions in order to allow properties under 10-acres located in the Agricultural Reserve Tier that meet the location requirements for Commercial Low (CL) uses in FLUE Policy 1.5-k, to be developed with commercial uses.

Project Manager: Isaac Hoyos, Principal Planner Agricultural Reserve

Staff Recommendation: The proposed amendment circumvents BCC directions for the preservation of agriculture in the Ag Reserve, which limit commercial development to two locations in the form of an AGR-TMD with preservation of 60% of the land. The proposed amendment represents a departure from the key tenets for the preservation of agriculture in the Ag Reserve. Therefore, staff is recommending To Not Initiate the proposed text amendment.

Pages: 180 - 187

MOTION: To not initiate the proposed text amendment.

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