

County Administrator

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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

June 2, 2011

AGENDA ITEM # **APPLICATION/CHANGE**
PAGE #

POSTPONEMENTS (July 7, 2011)

10. (272-330) ZV/CA-2010-0974 **Military Trail Commercial
(Control 1977-190)**

AMENDMENTS

8. (205-252) DOA/TDR-2010-3019 **Andalucia PUD
(Control 2008-129)**

Amend Landscape Condition 5 to read as follows:

LANDSCAPING ALONG THE WEST PROPERTY LINE OF POD ~~G~~ B (ABUTTING OLIVER AND GARVY PARCELS)

5. ~~In addition to code requirements~~ Landscaping and buffering along the northwestern perimeter buffer property line (adjacent to the Garvey property and 87th South Drive Corp (fka: Oliver Parcel) of the Northern portion" Pod B of the PUD shall be upgraded to include:
- a. a minimum twenty-five (25) foot wide landscape buffer strip;
 - b. an eight (8) foot high opaque concrete panel or block wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential units; and,
 - c. plant materials shall be installed pursuant to an Incompatibility Buffer.
(BLDG PERMIT: LANDSCAPE - Zoning)

Amend Landscape Condition 6 to read as follows:

LANDSCAPING ALONG THE EAST PROPERTY LINE OF POD A ~~B~~ (WHERE RESIDENCES ABUT POLO FIELDS)

~~In addition to code requirements and the proposed landscaping and/or buffer width~~ landscaping and buffering along the east property line, of the POD B of the PUD ~~planting and buffer width~~ shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. ~~landscape materials shall be upgraded to provide a minimum six (6) foot high continuous solid opaque visual screen, composed of hedges or shrubs~~ plant materials shall be installed pursuant to an Incompatibility Buffer with a minimum six (6) foot high hedge; and,
- c. additional buffer width and planting requirements may be deleted by the DRO in the event adjacent equestrian or other similar uses cease to exist, and are replaced with residential uses. (BLDG PERMIT: LANDSCAPE - Zoning)

Add Landscape Condition 13 to read as follows:

LANDSCAPING ALONG THE NORTH PROPERTY LINE OF POD A.

13. In addition to code requirements, landscaping and buffering along the north property line of Pod A shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. an eight (8) foot high opaque concrete panel or block wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential units; and,
- c. plant materials shall be installed pursuant to an Incompatibility Buffer.
(DRO: LANDSCAPE- Zoning)

**9. (253-271) ZV-2011-0407 Loxahatchee River District
(Control 1974-0034)**

Amend Variance condition 3 to read as follows:

3. In addition to Code requirements and Conditions of Approval, this approval shall be ~~subject~~ comply to the any commitments agreed to between the Loxahatchee River Environmental Control District and the Town of Jupiter ~~as referenced in the letter such as but not limited to the letter dated April 27, 2011 (Exhibit F) or as mutually amended by both parties.~~ (ON-GOING: ZONING-Landscape)

Add Variance condition 4 to read as follows and re-number accordingly:

Landscape along the North property line between the two entry drives.

4. The existing native vegetation along the north property line shall be enhanced with proposed planting between the two entry drives to the Loxahatchee River Environmental Control District site. Proposed planting shall consist of the following:
- a. A minimum of 535 (3 gal) shrubs (such as Ilex vomitoria 'Stokes Dwarf')
 - b. A minimum of 15 palms (such as Cabbage Palms min. 12' o.a. ht.)
 - c. A minimum of 12 Canopy trees (such as Dahoon Holly min. 14' ht.)
 - d. Owner shall coordinate with adjacent property owner during installation to ensure acceptable screening of facility equipment. (BLDG PERMIT-ZONING-landscaping)

Variance 4 5

Variance ~~5~~ 6



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

THURSDAY JUNE 2, 2011

9:00 A.M.

**Vista Center 1st Floor Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach**

CALL TO ORDER

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

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

DIRECTOR COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

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

AGENDA
PALM BEACH COUNTY ZONING COMMISSION

JUNE 2, 2011

CALL TO ORDER

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

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center 1st Floor Hearing Room VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances 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 at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on Monday, June 27, 2011 to take final action on the applications listed below.

NOTICE

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file.
- E. Adoption of the Minutes
- F. Swearing In - County Attorney
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **ZV/DOA/W-2011-00419** Title: a Type II Zoning Variance application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow alternative street cross sections for Main Street; to eliminate the limitation on Free Standing Structures; to allow an increase in frontage for a single tenant; to allow streets without on-street parking; and to allow a reduction in the number of queuing spaces.

Title: a Development Order Amendment application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan, reduce square footage, modify/delete Conditions of Approval (All Petitions, Architectural Review, Landscape, Signs, Use Limitations), and restart the Commencement of Development clock.

Title: a Waiver application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the length of the Main Street and the minimum length of a block.

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

Pages 1 - 1

Project Manager: Carol Glasser

Size: 82.99 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: To postpone to Thursday July 7, 2011.

MOTION: To postpone to Thursday July 7, 2011.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

- A. REQUESTS TO PULL ITEMS FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**

- 2. [W/DOA-2011-00150](#) Title: a Waiver application of Boca Raton Assocs VI LLLP by G.L. Homes, Agent. Request: to allow 58% of streets to terminate in a cul-de-sac.
Title: a Development Order Amendment application of Boca Raton Assocs VI LLLP by G.L. Homes, Agent. Request: to reconfigure the Master Plan; increase dwelling units; relocate model row; amend Conditions of Approval (Engineering, Planning, Landscaping); and, restart the Commencement of Development clock.
General Location: East side of Lyons Road south of W. Atlantic Ave. between the L-37 and L-38 Canals (**Dubois AGR-PUD**) (Control 2004-00250)

Pages 2 - 41

Conditions of Approval Pages (26 - 33)

Project Manager: Carol Glasser

Size: 722.64 acres ±

BCC District: 5

(affected area 299.18 acres ±)

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

MOTION: To recommend approval of a Waiver to allow 58% of streets to terminate in a cul-de-sac.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; increase dwelling units; relocate model row; amend Conditions of Approval (Engineering, Planning, Landscaping); and, restart the Commencement of Development clock subject to Conditions of Approval as indicated in Exhibit C.

3. **DOA/R-2010-02573** Title: a Development Order Amendment application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to reconfigure the site plan; relocate requested uses; and, to modify/delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitations).

Title: a Requested Use application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to allow a Type 1 Restaurant.

General Location: Northeast corner of Jog Road and Lantana Road. **(Chick-fil-A at Lee Square)** (Control 1981-00186)

Pages 42 - 95

Conditions of Approval Pages (67 - 81)

Project Manager: Carol Glasser

Size: 38.19 acres ±

BCC District: 3

(affected area 12.09 acres ±)

Staff Recommendation: Staff recommends approval of both requests subject to 66 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan; relocate requested uses; and, to modify and delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitation) subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use to allow a Type 1 Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2.

4. **DOA/R-2010-02568** Title: a Development Order Amendment application of West Palm Land Group LLC by Land Design South Inc., Agent. Request: to reconfigure the site plan and modify uses.

Title: a Requested Use application of West Palm Land Group LLC by Land Design South Inc., Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: North of Persimmon Blvd, just east of Seminole Pratt Whitney Road. **(The Grove Market)** (Control 1995-00106)

Pages 96 - 125

Conditions of Approval Pages (111 - 120)

Project Manager: Joyce Lawrence

Size: 0.71 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 46 Conditions of Approval as indicated in Exhibit C-1, and 6 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and modify uses subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Requested Uses to allow a Convenience Store with Gas Sales subject to Conditions of Approval as indicated in Exhibit C-2.

5. **DOA/R-2011-00403** Title: a Development Order Amendment application of Temple Torah of West Palm Beach Inc by Cotleur & Hearing Inc., Agent. Request: to modify the Master Plan, Site plan and uses
Title: a Requested Use application of Temple Torah of West Palm Beach Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Private Charter School
General Location: Northeast corner of Jog Road and Gateway Boulevard (**Temple Torah**) (Control 1980-00153)

Pages 126 - 159

Conditions of Approval Pages (140 - 151)

Project Manager: Joyce Lawrence

Size: 6.49 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 65 Conditions of Approval as indicated in Exhibit C-1 and 13 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to modify the Master Plan, Site plan and uses subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use approval to allow a Private Charter School subject to the Conditions of Approval as indicated in Exhibit C-2.

6. **Z-2011-00406** Title: an Official Zoning Map Amendment application of Wilshire Country Oaks Llc by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to allow a rezoning from Residential Single Family (RS) Zoning District to Residential Transitional District (RTS) Zoning District
General Location: Located on the south side of Country Oaks Lane, east of Prosperity Farms Road and Bounded on the east by Intracoastal Waterway. (**Wilshire Country Oaks**) (Control 2004-00450)

Pages 160 - 174

Conditions of Approval Pages (170 - 170)

Project Manager: Douglas Robinson

Size: 1.35 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone (COZ) subject to 3 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Rezoning from Residential Single Family (RS) Zoning District to Residential Transitional District (RTS) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

- 7. **DOA-2011-00159** Title: a Development Order Amendment application of Jewish Community Facilities Corp by Land Design South Inc., Agent. Request: to reconfigure the Site Plan and delete a Condition of Approval (Engineering)
General Location: Approximately 0.5 mile south of Glades Road on the west side of 95th Avenue (**Weinbaum Yeshiva High School**) (Control 1997-00056)

Pages 175 - 204

Conditions of Approval Pages (195 - 200)

Project Manager: Donna Adelsperger

Size: 15.70 acres ±

BCC District: 5

(affected area 5.90 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 25 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan and delete a Condition of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

8. [DOA/TDR-2010-03019](#) Title: a Development Order Amendment application of Westbrooke Homes Inc, Standard Pacific of South Florida by Land Design South Inc., Agent. Request: to reconfigure the Master Plan, Site Plan, and change the type of dwelling units, to decrease the number of dwelling units, and to restart the commencement of development.

Title: a Transfer of Development Rights application of Westbrooke Homes Inc, Standard Pacific of South Florida by Land Design South Inc., Agent. Request: to allow for a reduction in the number of previously approved Transfer of Development Rights

General Location: Approximately 0.25 mile south of Lake Worth Road on the east side of Lyons Road (**Andalucia PUD**) (Control 2008-00129)

Pages 205 - 252

Conditions of Approval Pages (234 - 247)

Project Manager: Autumn Sorrow

Size: 58.03 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 38 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, Site Plan, and change the type of dwelling units, to decrease the number of dwelling units, and to restart the commencement of development subject to the conditions of approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Transfer of Development Rights allow for a reduction in the number of previously approved Transfer of Development Rights subject to the Conditions of Approval as indicated in Exhibit C-2.

9. [ZV-2011-00407](#) Title: a Type II Standalone Variance application of Loxahatchee River District by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to eliminate the required hedges and shrubs along the north, south, east, and west property lines.

General Location: Located on the south side of Jupiter Park Drive 0.52 miles south of Indiantown Road and Central Boulevard. (**Loxahatchee River District**) (Control 1974-00034)

Pages 253 - 271

Conditions of Approval Pages (264 - 264)

Project Manager: Autumn Sorrow

Size: 161.54 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of a Type II Zoning Variance subject to 5 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Zoning Variance to eliminate the required hedges and shrubs along the north, south, east, and west, property lines subject to the Conditions of Approval as indicated in Exhibit C.

- 10. **ZV/CA-2010-00974** Title: A Type II Concurrent Variance application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow 24 hours operation within 250 feet of a residential district
Title: A Class A Conditional Use application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a Convenience Store with Gas Sales
General Location: Northwest corner of Military Trail and Landar Road within 1,000 feet of Lake Worth Road (**Military Trail Commercial**) (Control 1977-00190)

Pages 272 - 330

Conditions of Approval Pages (297 - 301)

Project Manager: Joyce Lawrence

Size: 3.29 acres ±

BCC District: 2

Staff Recommendation: Staff recommends denial of both requests based on the findings in the staff report.

MOTION: To adopt a resolution denying a Type II Zoning Variance allowing 24 hour operation within 250 feet of a residential district.

MOTION: To recommend denial of a Class A Conditional Use allowing a Convenience Store with Gas Sales.

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT