



**ZONING COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
NOVEMBER 8, 2012**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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CONSENT AGENDA

ZONING APPLICATIONS – NEW

2.	(40-76)	ZV/DOA-2012-00985 (Control 1988-00029)	PALM BEACH MARKET PLACE
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AMEND VARIANCE Condition E3 of Exhibit C-1 to read as follows:

3. Changes to the Okeechobee Boulevard driveway connections (e.g. throat distance, width, radii, location, etc.) ~~from the DRO approved Site Plan dated 5-9-2012 shall~~ which do not conform to the construction standards specified in Section 300-5 of the Design Standards Manual must be approved by the County Engineer pursuant to Article 11.B.8.C prior to final DRO certification.

3.	(77-99)	ZV/CA-2012-01258 (Control 1985-00027)	SOUTH GARDENS DONUTS
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DELETE and REPLACE Engineering Condition 1 and 2 of Exhibit C-2 to read as follows:

1. The Property Owner shall relocate the project driveway to within 25 feet of the western property line to align with the existing onsite drive aisle and shall construct an east approach right turn lane with the length, taper and driveway location as approved by the County Engineer but such that no right of way acquisition from adjacent parcels is required. Any and all costs associated with this construction shall be paid by the Property Owner and shall include, but are not limited to, any required utility relocations.

- a. The Property Owner shall revise the site plan to show the driveway relocation, conceptual layout of the turn lane and any necessary right of way conveyance from the subject property prior to final DRO approval. (DRO: ENGINEERING–Eng)
- b. Construction of the required improvements shall be completed prior to issuance of a Certificate of Completion for the drive thru window. (CC: MONITORING–Eng)

2. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer to allow for construction of the right turn lane required in Condition E1. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first Certificate of Completion or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements.

In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (CC/ONGOING: MONITORING-Eng)

DELETE Engineering Condition 4 of Exhibit C-2

REGULAR AGENDA

ZONING APPLICATIONS – NEW

4. (100-140) ZV/DOAR-2012-01256 HYPOLUXO SHOPPES
(Control 2008-00243)

DELETE ALL PETITIONS Condition 3 of Exhibit C-2.

AMEND ENGINEERING Amended Condition E.4 of Exhibit C-2 to read as follows:

The Property owner shall construct:

- i. A right turn lane east approach on Hypoluxo Road at both of the project's entrances. The length of ~~this~~ these turn lanes shall be a minimum of 280 plus a taper length of 50 feet or as approved by the County Engineer,
- ii. A right turn lane south approach on High Ridge Road at the project's entrance. The length of this turn lane shall be as approved by the County Engineer, and
- iii. ~~Any necessary~~ Traffic signal modifications at the intersection of Hypoluxo Road and High Ridge Road to replace the existing 3-section signal heads with 5-section signal heads in order to provide a protected left turn phase for the north and south approaches.

DELETE USE LIMITATIONS Condition 1 of Exhibit C-2.



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

THURSDAY NOVEMBER 8, 2012

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

NOVEMBER 8, 2012

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 1:30 P.M. on Wednesday, December 5, 2012 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

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**

1. [W/DOA-2012-01838](#) Title: a Waiver application of Boca Raton Associates VI LLLP by G.L. Homes, Agent. Request: to allow an increase in the number of cul-de-sacs
Title: a Development Order Amendment application of Boca Raton Associates VI LLLP by G.L. Homes, Agent. Request: to reconfigure the Master Plan, delete units; and, modify Conditions of Approval (Planning)
General Location: Approximately 1.5 miles south of W. Atlantic Avenue on the east side of Lyons Road (**Bridges AGR PUD**) (Control 2004-00250)

Pages 1 - 39

Conditions of Approval Pages (25 - 32)

Project Manager: Carol Glasser

Size: 722.53 acres ±

BCC District: 5

(affected area 299.07 acres ±)

Staff Recommendation: Staff recommends approval of the Waiver; and, approval of the Development Order Amendment subject to 37 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Waiver to allow an increase in the number of cul-de-sacs.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, delete units; and, modify Conditions of Approval (Planning) subject to the Conditions of Approval as indicated in Exhibit C.

2. **ZV/DOA-2012-00985** Title: a Type II Variance application of Palm Beach Marketplace LLC by Cotleur & Hearing Inc., Agent. Request: to allow an increase in the percentage of palm trees within a buffer and pedestrian circulation areas; to allow an increase in square footage for wall and freestanding signage; to allow a wall sign facing a parking lot; and, to allow an increase in height for free standing sign
Title: a Development Order Amendment application of Palm Beach Marketplace LLC by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Preliminary Site Plan, to add an access point, and modify a Condition of Approval (Signage)
General Location: Southeast corner of Frank Street and Okeechobee Blvd (**Palm Beach Market Place**) (Control 1988-00029)

Pages 40 - 76

Conditions of Approval Pages (57 - 61)

Project Manager: Wendy Hernandez

Size: 5.84 acres ±

BCC District: 2

Staff Recommendation: Staff Recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 23 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving Type II Variances to allow an increase in the percentage of palm trees within a buffer and pedestrian circulation areas; to allow an increase in square footage for wall and freestanding signage; to allow a wall sign facing a parking lot; and, to allow an increase in height for free standing sign subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Preliminary Site Plan, to add an access point, and modify a Condition of Approval (Signage) subject to the Conditions of Approval as indicated in Exhibit C-2.

3. **ZV/CA-2012-01258** Title: a Type II Variance - Concurrent application of Rocker Real Estate Inc by Land Design South Inc., Agent. Request: to allow 100% easement overlap in a right-of-way buffer
Title: a Class A Conditional Use application of Rocker Real Estate Inc by Land Design South Inc., Agent. Request: to allow a Type I Restaurant
General Location: Approximately 800 feet east of Congress Avenue on the north side of Northlake Boulevard (**South Gardens Donuts**) (Control 1985-00027)

Pages 77 - 99

Conditions of Approval Pages (91 - 93)

Project Manager: Carol Glasser

Size: 0.60 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the Type II Variance subject to 4 Conditions of Approval as indicated in Exhibit C-1; and, approval of the Class A Conditional Use subject to 10 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a Resolution approving a Type II Variance to allow 100% easement overlap in a right-of-way buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

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

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**
- D. ZONING APPLICATIONS - NEW**

- 4. **ZV/DOA/R-2012-01256** Title: a Type II Variance application of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow 24 hours of operation within 250 feet of a residential Zoning District
Title: a Development Order Amendment application of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to reconfigure the Site Plan, reduce square footage and to restart the commencement clock
Title: a Requested Use application of Hypoluxo and I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow a Convenience Store with Gas Sales and a Type I Restaurant
General Location: Northeast corner of Hypoluxo Road and High Ridge Road (**Hypoluxo Shoppes**) (Control 2008-00243)

Pages 100 - 140

Conditions of Approval Pages (120 - 127)

Project Manager: Joyce Lawrence

Size: 4.20 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the Type II Variance request; approval of the Development Order Amendment subject to 28 Conditions of Approval as indicated in Exhibit C-2 and approval of the Requested Use subject to 5 Conditions of Approval as indicated in Exhibit C-3.

Should the Zoning Commission recommend approval of the Type II Variance, staff recommends the Conditions of Approval as indicated in Exhibit C-1, or as determined by the Zoning Commission.

MOTION: To adopt a resolution denying the Type II Variance to allow 24 hours of operation within 250 feet of a residential Zoning District.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage and to re-start the time of commencement subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of the Requested Uses approval to allow a Type I Restaurant and a Convenience Store with Gas Sales subject to 5 Conditions of Approval as indicated in Exhibit C-3.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT