



**ZONING COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
MAY 2, 2013**

AGENDA

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

5.	(89-117)	DOA/R-2012-01264 (Control 1990-00024)	FESTIVAL SHOPPES OF BOCA PCD
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MOTION: To postpone to June 6, 2013

7.	(170-221)	ZV/DOA-2012-03106 (Control 1986-00090)	POLO CLUB SHOPPES
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MOTION: To postpone to June 6, 2013

CONSENT AGENDA

PREVIOUSLY POSTPONED ZONING APPLICATION

2.	(2-21)	ABN/CA-2012-02097	BEDNER OAKS
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DELETE Engineering Condition E3 and E4 of Exhibit C

REGULAR AGENDA

PREVIOUSLY POSTPONED ZONING APPLICATION

8.	(205-242)	ABN/SV/Z/CA-2012-03116 (Control 1975-00168)	ELS CENTER OF EXCELLENCE
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AMEND Variance Motion to read as follows:

MOTION: To ~~recommend denial of~~ adopt a resolution denying a Subdivision Variance to allow a reduction in the minimum legal access width

AMEND Engineering Condition 4 of Exhibit C to read as follows:

4. After the charter school has been operational for 6 months or prior to March 1, 2014, whichever occurs later, the property owner shall submit a ~~a~~ traffic study signed and sealed by a licensed professional engineer documenting the current functioning of the Church Street and Limestone Creek Road intersection during peak hours. The study shall be submitted for review to the County Engineer. (DATE: MONITORING - Eng)

~~A left turn lane, north approach on Limestone Creek Road at Church Street.~~



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

THURSDAY MAY 2, 2013

9:00 A.M.

**Vista Center, Ken Rogers 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

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

MAY 2, 2013

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, Ken Rogers 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 Thursday, May 23, 2013 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. **ABN/Z/CA-2012-03377** Title: a Development Order Abandonment application of Barkley International Inc. - Jay Wallshein by Miller Land Planning, Agent. Request: to abandon the Class B Conditional Use for a Veterinary clinic approved via Resolution ZR-2006-003 and R-2006-1547
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 application 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 1 - 1

Project Manager: David McGuire

Size: 3.04 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to June 6, 2013.

MOTION: To postpone to June 6, 2013.

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

2. **ABN/CA-2012-02097** Title: a Development Order Abandonment application of Bedner Farm Inc - Charles Bedner by Land Design South Inc., Agent. Request: to abandon a Class A Conditional Use for a Produce Stand approved via Resolution R-2008-917

Title: a Class A Conditional Use application of Bedner Farm Inc - Charles Bedner by Land Design South Inc., Agent. Request: to allow an Agriculture Marketplace

General Location: Southwest corner of Lee Road and SR 7/US 441 (**Bedner Oaks**) (Control 2007-00357)

Pages 2 - 21

Conditions of Approval Pages (7 - 9)

Project Manager: Joyce Lawrence

Size: 81.88 acres ±

BCC District: 5

(affected area 7.00 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 12 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution R-2008-917.

MOTION: To recommend approval of a Class A Conditional Use to allow an Agriculture Marketplace subject to Conditions of approval as indicated in Exhibit C.

3. **DOA/CA-2012-03113** Title: a Development Order Amendment application of Wellington Preparatory School, LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan, add square footage, add a new use, and modify Conditions of Approval (Building and Site Design, Daycare, Use Limitation)

Title: a Class A Conditional Use application of Wellington Preparatory School, LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a School, Elementary or Secondary

General Location: North side of Lake Worth Road west of Lyons Road (**Wellington Preparatory School**) (Control 1998-00012)

Pages 22 - 48

Conditions of Approval Pages (28 - 35)

Project Manager: Carol Glasser

Size: 3.19 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 41 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, add square footage, add a new use, and modify Conditions of Approval (Building and Site Design, Daycare, Use Limitation) 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 School, Elementary or Secondary subject to the Conditions of Approval as indicated in Exhibit C-2

D. ZONING APPLICATIONS - NEW

4. **DOA-2013-00152** Title: a Development Order Amendment application of Rab Group Jupiter Llc, Calvary Chapel Of Jupiter Inc by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan to expand a Place of Worship into a former Medical Office

General Location: Southwest corner of Jupiter Farms Road and Indiantown Road (**Jupiter Farms Shopping Center**) (Control 1992-00017)

Pages 49 - 88

Conditions of Approval Pages (54 - 71)

Project Manager: David McGuire

Size: 37.89 acres ±

BCC District: 1

(affected area 0.89 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 106 Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and expand a Place of Worship into and existing approved building 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

- 5. [DOA/R-2012-01264](#) Title: a Development Order Amendment application of Reef 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 89 - 117

Conditions of Approval Pages (94 - 103)

Project Manager: David McGuire

Size: 36.96 acres ±

BCC District: 5

(affected area 2.63 acres ±)

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master and Site Plans, modify Conditions of Approval (Parking) and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

6. **ZV/DOA/R-2012-00979** Title: a Type II Variance application of SE Petro One LLC by Core States Group, Agent. Request: to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, dumpster setback, and a reduction in the number of feet of queuing
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 application 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 118 - 169

Conditions of Approval Pages (133 - 140)

Project Manager: Carol Glasser

Size: 23.84 acres ±

BCC District: 5

(affected area 1.46 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance request to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, and dumpster setback subject to 6 Conditions of Approval indicated in Exhibit C-1. Staff recommends denial of the Type II Variance to allow reduction in the number of feet of queuing; and denial of the Development Order Amendment and Requested Use.

MOTION: To adopt a resolution approving a Type II Variance to allow easement overlap in a right-of-way buffer, to allow a reduction of right-of-way buffer width, divider median width, and dumpster setback subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution denying a Type II Variance to allow a reduction in the number of feet of queuing.

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

MOTION: To recommend denial of a Requested Use to allow a Convenience Store with Gas Sales.

- 7. **ZV/DOA-2012-03106** Title: a Type II Variance application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to allow an utility easement encroachment of a right-of-way buffer, to reduce the width and the number of shrubs, to eliminate the wall and to allow a 100% utility easement overlap of a type III incompatibility buffer and parking
Title: a Development Order Amendment application of G & I VII Polo Club Llc by Land Design South Inc., Agent. Request: to reconfigure the site plan, add new uses and add square footage
General Location: Southwest corner of Military Trail and Champion Boulevard **(Polo Club Shoppes)** (Control 1986-00090)

Pages 170 - 204

Conditions of Approval Pages (178 - 180)

Project Manager: David McGuire

Size: 13.64 acres ±

BCC District: 5

(affected area 1.83 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 14 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to allow an utility easement encroachment of a right-of-way buffer, to reduce the width and the number of shrubs, to eliminate the wall and to allow a 100% utility easement overlap of a Type III Incompatibility buffer and parking subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add a new use and add square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

8. **ABN/SV/Z/CA-2012-03116** Title: a Development Order Abandonment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to abandon the Special Exception for an Interim Sewage Treatment Plant approved via Resolution R-1975-957

Title: a Subdivision Variance application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum legal access width

Title: an Official Zoning Map Amendment application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow a Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District

Title: a Class A Conditional Use application of Glenn Mestellar, Cheryl Justus by Cotleur & Hearing Inc., Agent. Request: to allow an Elementary or Secondary School (Charter)

General Location: Approximately 0.3 mile north of Church Road on the east side of Limestone Creek Road (**Els Center of Excellence**) (Control 1975-00168)

Pages 205 - 242

Conditions of Approval Pages (213 - 217)

Project Manager: Joyce Lawrence

Size: 25.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests for a Development Order Abandonment and the Official Zoning Map Amendment subject to the Conditional Overlay Zone and 8 Conditions of Approval as indicated in Exhibit C-1.

Staff recommends denial of the Subdivision Variance and the Class A Conditional Use for an Elementary or Secondary School (Charter).

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exception for an Interim Sewage Treatment Plant approved via Resolution R-1975-957.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District.

MOTION: To recommend denial of a Subdivision Variance to allow a reduction in the minimum legal access width.

MOTION: To recommend denial of a Class A Conditional Use to allow an Elementary or Secondary School (Charter).

D. ZONING APPLICATIONS - NEW

9. **DOA/R-2012-01578** Title: a Development Order Amendment application of Loxahatchee Venture 34, LLC by Land Design South Inc., Agent. Request: to reconfigure the Site Plan

Title: a Requested Use application of Loxahatchee Venture 34, LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant

General Location: Southeast corner of Seminole Pratt Whitney Road and Orange Boulevard (**Seminole Orange Plaza**) (Control 2006-00012)

Pages 243 - 301

Conditions of Approval Pages (249 - 256)

Project Manager: Carol Glasser

Size: 9.87 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 34 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan subject to the Conditions of Approval as indicated in Exhibit C-1.

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

10. **ZV/DOA/CA-2012-03115** Title: a Type II Variance application of 6201 Plaza II Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a reduction in the required parking spaces and to allow extended hours of operation within 250 feet of a residential district

Title: a Development Order Amendment application of 6201 Plaza II Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure site plan, add a Conditional Use and modify a Condition of Approval (Signage)

Title: a Class A Conditional Use application of 6201 Plaza II Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a Type I Restaurant

General Location: Approximately 0.18 mile south of Lantana Road on the west side of Jog Road (**Lantana Square Plaza Two**) (Control 2002-00034)

Pages 302 - 332

Conditions of Approval Pages (310 - 314)

Project Manager: Carrie Rechenmacher

Size: 2.41 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the Type II Variance and approval of the Development Order Amendment subject to 18 Conditions of Approval as indicated in Exhibit C-2, and approval of the Class A Conditional Use.

MOTION: To adopt a resolution denying approval of the Type II Variance request to allow a reduction in the required parking spaces and to allow extended hours of operation within 250 feet of a residential district subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval to reconfigure site plan, add a Conditional Use and modify Conditions of Approval (Signage) subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval to allow a Class A Conditional Use for a Type I Restaurant.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

COMMENTS

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. EXECUTIVE DIRECTOR**
- D. COMMISSIONERS**

ADJOURNMENT