



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

THURSDAY AUGUST 1, 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

AUGUST 1, 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, August 22, 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. **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 application 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 application 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 5, 2013.

MOTION: To postpone to September 5, 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. **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 application 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 - 30
 Conditions of Approval Pages (9 - 13)
 Project Manager: David McGuire
 Size: 6.75 acres ±
 (affected area 0.12 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.

MOTION: To adopt a Resolution approving a Type II Variance to allow an increase for the build to line subject to Conditions of Approval as indicated in Exhibit C-1.
MOTION: To recommend approval of 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 31 - 57
 Conditions of Approval Pages (36 - 45)
 Project Manager: David McGuire
 Size: 36.96 acres ±
 (affected area 2.63 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 69 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of 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.

D. 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 application 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 58 - 79

Conditions of Approval Pages (63 - 66)

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.

MOTION: To recommend approval of 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 recommend approval of a Requested Use to allow an Elementary or Secondary School (Charter).

5. **ZV-2013-01063** Title: a Type II Variance application of Bedner Farm Inc by Land Design South Inc., Agent. Request: to eliminate interior and terminal landscape islands, divider medians and trees within the Phase 1 vehicular use overflow parking area
General Location: Southwest corner of US 441 and Lee Road (**Bedner Oaks**) (Control 2007-00357)

Pages 80 - 101

Conditions of Approval Pages (89 - 89)

Project Manager: Joyce Lawrence

Size: 81.80 acres ±

BCC District: 5

(affected area 7.00 acres ±)

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

MOTION: To adopt a resolution approving the Type II Variances to allow no terminal or interior landscape islands; no divider medians; and no trees within the interior of the vehicular use area for the overflow parking 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**
- D. ZONING APPLICATIONS - NEW**

6. **DOA-2013-01060** Title: a Development Order Amendment application of Apogee Investment Partners Llc by Miller Land Planning, Agent. Request: to reconfigure the Site Plan to add square footage

General Location: North side of Beeline Highway (SR 710) west of Pratt Whitney Rd., S of Indiantown Road, Approximately 0.6 miles west of the entrance to Moroso Motorsports Park. **(Complete Turbine)** (Control 2010-00474)

Pages 102 - 123

Conditions of Approval Pages (106 - 108)

Project Manager: Donna Adelsperger

Size: 45.08 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval as indicated in Exhibit C.

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

- 7. **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 widths, divider median width, and dumpster setback
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 124 - 181

Conditions of Approval Pages (136 - 143)

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 requests subject to 6 Conditions of Approval as indicated in Exhibit C-1. Staff recommends 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 widths, divider median width, and dumpster setback subject to the Conditions of Approval as indicated in Exhibit C-1.

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.

- 8. **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 application 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 182 - 232
 Conditions of Approval Pages (194 - 197)
 Project Manager: David McGuire
 Size: 6.88 acres ± BCC District: 2
 (affected area 1.78 acres ±)

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.

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

- 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 233 - 255
 Conditions of Approval Pages (237 - 238)
 Project Manager: David McGuire
 Size: 6.88 acres ± BCC District: 2
 (affected area 5.10 acres ±)

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

MOTION: To recommend approval 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.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

COMMENTS

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

ADJOURNMENT