

9. (116-133) EAC-2011-1988 Osprey Oaks Parcel #2
(Control 2005-058)

Amend Engineering Condition 1 is hereby deleted : [REASON: A build out date is not required]

10. (134-151) EAC-2011-1989 Osprey Oaks Parcel #3
(Control 2005-059)

Amend Engineering Condition 1 is hereby deleted : [REASON: A build out date is not required]

11. (152-169) EAC-2011-1990 Osprey Oaks Parcel #4
(Control 2005-060)

Amend Engineering Condition 1 is hereby deleted : [REASON: A build out date is not required]

12. (170-187) EAC-2011-1991 Osprey Oaks Parcel #5
(Control 2005-061)

Amend Engineering Condition 1 is hereby deleted : [REASON: A build out date is not required]

18. Request for Permission to Advertise – Unified Land Development Code (ULDC) – Amendment Round 2011-01

(page 379) Amend Exhibit H, Criteria for Rezoning - lines 23-25, as follows*:

E. **Exemptions/Applicability Exceptions** for Prior Approvals

Any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses, ~~or~~ Type II Variances, and prior Special Exception or Conditional Use for or DOA to a prior approval corresponding to a Planned Unit Development (PUD), are not required to rezone. Other prior Special Exceptions for Planned Developments such as PCD, PCND, PGCD, POBP or PID, are encouraged but not required to rezone when submitting an application for amendment to the prior approval ~~include a concurrent~~ shall be accompanied by an application to rezone to a current Zoning district. Any application for a Development Order to any of the prior approvals listed herein that does not exceed the threshold requiring rezoning shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval. [Ord. 2011-016]

....

* Double underlined indicates new text or previously stricken text to remain.

~~Double Stricken~~ indicates text to be ~~deleted~~.

.... Indicates language omitted to save space.



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY DECEMBER 1, 2011

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

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
BOARD OF COUNTY COMMISSIONERS**

DECEMBER 1, 2011

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

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

1. **CTR-1973-00008-1** Status Report for Resolution R-2008-0689 (Control No. 1973-008). Property Owner: Latham Road Commerce Ctr Inc General Location: Southeast corner of Latham Road and Old Okeechobee Road Current Zoning: IL **(Old Okeechobee Industrial)**

Pages: 1 - 5

Size: 6.68 acres ±

BCC District: 2

MOTION: To approve a one-year time extension, from September 3, 2011, to September 3, 2012, to comply with Condition Numbers ENG.1 and ENG.2 of Resolution No. 2008-0689.

2. **STR-1974-00126-1** Status Report for Resolutions R-1989-0717 and R-2000-1945 (Control No. 1974-0126). Property Owner: Gun Club Subsidiary, LLC and Gun Club Shopping Center, LLC General Location: northwest corner of Gun Club Road,anf Military Trail Current Zoning: Urban Center (UC) **(Gun Club Center)**

Pages: 6 - 9

Size: 18.50 acres ±

BCC District: 2

MOTION: To adopt a resolution to revoke the Day Care use granted by Resolution R1989-717 and to delete conditions D. 1 and D.2 from Resolution R-2000-1945.

3. **STR-1981-00170-1** Status Report for Resolution R-2008-1387 (Control No. 1981-170). Property Owner: Achva Vahava LLC General Location: southwest corner of Powerline Road and Boca Grove Boulevard Current Zoning: CS/SE **(Boca Grove Centre)**

Pages: 10 - 14

Size: 0.45 acres ±

BCC District: 5

MOTION: To approve: 1) three year time extension, from August 28, 2011 to August 28, 2014, to commence development, and 2) adopt a resolution to amend conditions of approval.

- 4. **STR-2007-00407-1** Status Report for Resolution R-2008-1356(Control No. 2007-0407). Property Owner: Jomar Florida Enterprises, LLC General Location: Northwest corner of Military Trail and Forest Hill Blvd Current Zoning: CG (1747 South Military Trail)

Pages: 15 - 18

Size: 0.46 acres ±

BCC District: 2

MOTION: To adopt a resolution to revoke Resolution R-2008-1356.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 5. **PDD-2011-01175** Title: an Official Zoning Map Amendment to a Planned Development District (PDD) application of Minto Communities LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District General Location: Approximately 1,300 feet south of the West Palmetto Park Road and Riverside Drive Intersection (**Boca Reserve PUD**) (Control 2011-00244)

Pages: 19 - 53

Conditions of Approval (34 - 37)

Project Manager: Joyce Lawrence

Size: 18.92 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 19 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 9-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District (PDD) to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

6. **Z-2011-01191** Title: an Official Zoning Map Amendment application of Heber Docampo by Jim Spagnoli, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to General Commercial (CG) Zoning District

General Location: Approximately 500 feet east of Indian Road on the north side of Westgate Avenue (**Do Campo**) (Control 1994-00094)

Pages: 54 - 74

Conditions of Approval (66 - 66)

Project Manager: Douglas Robinson

Size: 0.28 acres ±

BCC District: 2

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

Zoning Commission Recommendation: Approve: 9-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment rezoning from the Neighborhood Commercial (CN) Zoning District to General Commercial (CG) Zoning District with a Conditional Overlay Zone subject to Conditions of Approval as indicated in Exhibit C.

7. **DOA-2011-01735** Title: a Development Order Amendment application of Api Cameron Park Llc by Charles Putman & Associates, Agent. Request: to delete land area and reconfigure the Master Plan.

General Location: Southwest corner of Atlantic Avenue & Sims Road extension (**Cameron Park PUD**) (Control 1993-00039)

Pages: 75 - 103

Conditions of Approval (88 - 96)

Project Manager: David McGuire

Size: 40.55 acres ±

BCC District: 5

(affected area 39.75 acres ±)

Staff Recommendation: Staff recommends approval of the request, subject to 42 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approve: 9-0

MOTION: To adopt a resolution approving a Development Order Amendment to delete land area and reconfigure the Master Plan subject to the Conditions of Approval as indicated in Exhibit C.

8. **Z-2011-01736** Title: an Official Zoning Map Amendment application of Nicole Smith by Lake Worth Drainage District, Agent. Request: to allow a rezoning from the Residential Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ)
General Location: Southwest corner of Atlantic Avenue & Sims Road extension (**Lake Worth Drainage District Canal E-3**) (Control 2011-00332)

Pages: 104 - 115

Conditions of Approval (114 - 114)

Project Manager: David McGuire

Size: 1.80 acres ±

BCC District: 5

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

Zoning Commission Recommendation: Approve: 9-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

9. **EAC-2011-01988** Title: an Expedited Application Consideration application of Br Osprey Acquisition Llc by JKM Developers, Agent. Request: to delete a Condition of Approval (Engineering)
General Location: SE corner of Jog Road and Hypoluxo Road with frontage on Western Way (**Osprey Oaks Parcel #2**) (Control 2005-00058)

Pages: 116 - 133

Conditions of Approval (127 - 128)

Project Manager: David McGuire

Size: 4.85 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 8 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application Consideration to delete an Engineering Condition of Approval subject to the Conditions of Approval as indicated in Exhibit C.

10. **EAC-2011-01989** Title: an Expedited Application Consideration application of Br Osprey Acquisition Llc by JKM Developers, Agent. Request: to delete a Condition of Approval (Engineering)

General Location: SE corner of Jog Road and Hypoluxo Road with frontage on Western Way. **(Osprey Oaks Parcel #3)** (Control 2005-00059)

Pages: 134 - 151

Conditions of Approval (145 - 146)

Project Manager: David McGuire

Size: 7.27 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 11 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application Consideration to delete an Engineering Condition of Approval subject to the Conditions of Approval as indicated in Exhibit C.

11. **EAC-2011-01990** Title: an Expedited Application Consideration application of Br Osprey Acquisition Llc by JKM Developers, Agent. Request: to delete a Condition of Approval (Engineering)

General Location: SE corner of Jog Road and Hypoluxo Road with frontage on Western Way. **(Osprey Oaks Parcel #4)** (Control 2005-00060)

Pages: 152 - 169

Conditions of Approval (163 - 164)

Project Manager: David McGuire

Size: 5.02 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 11 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application Consideration to delete an Engineering Condition of Approval subject to the Conditions of Approval as indicated in Exhibit C.

12. **EAC-2011-01991** Title: an Expedited Application Consideration application of Br Osprey Acquisition Llc by JKM Developers, Agent. Request: to delete a Condition of Approval (Engineering)

General Location: SE corner of Jog Road and Hypoluxo Road with frontage on Western Way. **(Osprey Oaks Parcel #5)** (Control 2005-00061)

Pages: 170 - 187

Conditions of Approval (181 - 182)

Project Manager: David McGuire

Size: 4.92 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 11 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application Consideration to delete an Engineering Condition of Approval subject to the Conditions of Approval as indicated in Exhibit C.

13. **EAC/ABN-2011-01745** Title: an Expedited Application Consideration application of David Pollow by Land Design South Inc., Agent. Request: to delete a Condition of Approval (Use Limitation)

Title: a Development Order Abandonment of David Pollow by Land Design South Inc., Agent. Request: to abandon the auto service station (no major repairs - auto lube) approved in Resolution R-1989-1631

General Location: Southwest corner of Forest Hill Blvd and Military Trail **(Sears Plaza)** (Control 1977-00079)

Pages: 188 - 205

Conditions of Approval (199 - 201)

Project Manager: David McGuire

Size: 12.79 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Expedited Application Consideration subject to 45 Conditions of Approval as indicated in Exhibit C and approval of the Development Order Abandonment.

MOTION: To adopt a resolution approving an Expedited Application Consideration to delete a Condition of Approval (Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the auto service station (no major repairs - auto lube) approved in Resolution R-1989-1631.

14. **EAC-2011-01734** Title: an Expedited Application Consideration application of Canyon Lakes Hmownrs Assn Inc by Canyon Lakes HOA, Agent. Request: to amend a Condition of Approval (Planning)
General Location: South of Boynton Beach Blvd. east of and adjacent to Lyons Road (**Fogg Property North PUD**) (Control 2002-00067)

Pages: 206 - 241

Conditions of Approval (222 - 236)

Project Manager: Donna Adelsperger

Size: 3.97 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 77 Conditions of Approval as indicated in Exhibit C.

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

15. **DOA/W-2011-01739** Title: a Development Order Amendment application of Boynton Beach XIX Corp General Partner, Boynton Beach Associates XIX LLLP by G.L. Homes, Agent. Request: to reconfigure the Master Plan to delete land area, units, and access point

Title: a Waiver of Boynton Beach XIX Corp General Partner, Boynton Beach Associates XIX LLLP by G.L. Homes, Agent. Request: to allow an increase of streets allowed to terminate in a cul-de-sac

General Location: Between Lyons Road and SR7/US441, south of Boynton Beach Boulevard (**Lyons West AGR PUD**) (Control 2005-00003)

Pages: 242 - 297

Conditions of Approval (265 - 276)

Project Manager: Carol Glasser

Size: 1,061.07 acres ±

BCC District: 6

(affected area 1,043.07 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 48 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 9-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master Plan to delete land area, units, and an access point subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Waiver to allow an increase of streets allowed to terminate in a cul-de-sac.

MOTION: To approve the Partial Release of a Conservation Easement as indicated in Exhibit E.

16. **Z-2011-01738** Title: an Official Zoning Map Amendment application of Boynton Beach Associates XXIV LLLP, Boynton Beach XXIV Corp General Partner by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District

General Location: West side of SR7/US441, South of West Atlantic Avenue (**Hyder Preserve**) (Control 2011-00340)

Pages: 298 - 313

Project Manager: Carol Glasser

Size: 18.00 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

Zoning Commission Recommendation: Approve: 9-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

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

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

17. **DOA/R-2011-00939** Title: a Development Order Amendment application of Mission Lakes II LLC, Mission Lakes I LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan and increase square footage; modify Conditions of Approval (Architectural Review, Landscape, Signs); and, re-start the Commencement of Development Clock
Title: a Requested Use of Mission Lakes II LLC, Mission Lakes I LLC by Urban Design Kilday Studios, Agent. Request: to allow a Type I Restaurant
General Location: Northeast corner of Lantana Road and SR7/US441 (**Mission Lakes MUPD**) (Control 2003-00007)

Pages: 314 - 365

Conditions of Approval (333 - 349)

Project Manager: Carol Glasser

Size: 37.85 acres \pm

BCC District: 2

(affected area 7.24 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 86 Conditions of Approval as indicated in Exhibit C-1; and, approval of the Requested use subject to 4 Conditions of Approval as indicated in Exhibit C-2. [The applicant withdrew the request to amend Architectural Review 4 on November 7, 2011.]

Zoning Commission Recommendation: Approved 8-1

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan and increase square footage; modify Conditions of Approval (Architectural Review 1, Landscape, Signs), and restart of the Commencement of Development Clock subject to the Conditions of Approval as indicated in Exhibit C-1.

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

I. ZONING APPLICATIONS - NEW**J. ULDC AMENDMENTS**

18. **TITLE: REQUEST FOR PERMISSION TO ADVERTISE UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2011-02**

Staff Recommendation: Staff recommends a motion to approve on preliminary reading and advertise for First Reading on January 5, 2012.

Pages: 366 - 394

MOTION: MOTION: To approve on preliminary reading and advertise for First Reading on January 5, 2012: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067 AND 03-070, AS AMENDED, AS FOLLOWS: ARTICLE 1- DEFINITIONS AND ACRONYMS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER A, GENERAL; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS; ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5- SUPPLEMENTARY STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 9- ARCHAEOLOGICAL AND HISTORIC PRESERVATION; CHAPTER B, HISTORIC PRESERVATION PROCEDURES; ARTICLE 11- SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS; CHAPTER A, GENERAL REQUIREMENTS; ARTICLE 13- IMPACT FEES; CHAPTER A, GENERAL; ARTICLE 14- ENVIRONMENTAL STANDARDS; CHAPTER B, WELLFIELD PROTECTION; APPENDIX 4, ORGANIC PRIORITY POLLUTANTS; APPENDIX 5, MINIMUM STANDARDS FOR SEWER PIPE FITTINGS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

19. [Title: Capital Improvements Annual Tables Update](#)

The proposed ordinance is the annual update of the capital improvements tables, as required by Florida Statute. The tables reflect the County's five-year Capital Improvement Program, and the ordinance is proceeding separately from the 11-2 Round of Comprehensive Plan amendments that were heard in October.

Pages: 395 - 441

MOTION: To adopt an Ordinance to update the five-year capital improvements schedule tables.

20. TITLE: Five Year Road Program Ordinance

SUMMARY: In accordance with Traffic Performance Standards, Article 12, Chapter N, Section 5 of the present Unified Land Development Code requires that concurrent with the adoption of the annual Program, the Board of County Commissioners (Board) must determine that the Findings of Fact (Findings) have been made. The Findings have been made and are defined in Attachment -1-. This is the annual update of the County's Program which is required to be considered each year by the Program Ordinance. On November 15, 2011, the Board continued the approval of this Ordinance. Exhibit -A- to the Ordinance contains the road projects to be undertaken by the County in the next five years.

Pages: 242 - 454

MOTION: A) determine that Palm Beach County (County) has adhered to and implemented its Five Year Road Program (Program) based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan (Plan) and that fewer than 20% of the FY 2010 construction projects are more than 12 months behind schedule as defined in Attachment -1-; and

B) adopt a Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Program; providing for title; purpose; adoption of revised Program and revised list of projects contained in Exhibit -A-; implementation of the plan; modification of plan; funding of other roadway improvements, interpretation of exhibit; repeal of Laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date.

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

21. Commercial Low 65,000 sq ft Tenant Size Limitation Discussion (Sluggett Property)

Pages: 455 - 463

D. ZONING DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT