



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

March 3, 2011

AGENDA ITEM #
PAGE #

APPLICATION/CHANGE

MOVED TO REGULAR AGENDA

**4. (87-123) DOA/R-2010-2822 Villages of Windsor SW Civic
(Control 1996-081)**

Amend Engineering Condition 22 to read as follows:

22. Prior to the issuance...

- i. South approach on Lyons Road at the SE Civic Site project's entrance and,
- ii. West approach on Hypoluxo Road at the SE Civic Site project's entrance...

Delete Landscape Interior Condition 2

Amend Landscape Perimeter Condition 1 to read as follows:

- 1. Prior to final approval by the Development Review Officer (DRO), the Final Site Plan and Final Regulating Plan shall be revised to provide additional canopy trees within the south incompatibility buffer to screen any 34-story building. A second row of canopy trees planted a minimum of 20-feet on center and staggered from the required incompatibility buffer trees shall be provided for the entire width of any 34-story building. Palm trees shall not be substituted for any canopy tree in either of the two rows of canopy trees lying directly south of any 34-story building. (DRO: ZONING-Zoning)

Amend Site Design Condition 1 to read as follows:

- 1. Building 1 shall be limited to a maximum of 3 stories and 38 ~~50~~ feet in height. (ONGOING: ZONING - Zoning)

AMENDMENTS

**1. (1-27) DOA-2010-2813 Bethesda West Hospital
(Control 2006-011)**

Amend Architectural Review Condition 1 to read as follows:

- ~~1. 2.~~ The maximum height for the two Medical Office Buildings A and B located on the ~~east~~ west portion of the site shall not exceed thirty-eight (38) feet. All heights shall be measured from finished grade to highest point. (DRO: ARCH REVIEW – Zoning)

**2. (28-51) ZV-2010-2806 Race Trac Haverhill
(Control 2005-514)**

Amend motion to read as follows:

To ~~recommend approval~~ adopt a resolution approving a Type II Zoning Variance to allow 24 hours operation of business activities within 250 feet of a residential district to continue from 6:00 a.m. to 6:00 a.m. (24 hours) subject to the Conditions of Approval as indicated in Exhibit C.

**7. (184-228) DOA-2010-1719 Western Plaza
(Control 1977-00048)**

Delete Use Limitation Condition 3

Amend Development Order Amendment motion to read as follows:

To recommend approval of a Development Order Amendment to reconfigure site plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C-1.

Amend Requested Use motion to read as follows:

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.

**8. (229-362) ZV/DOA-2010-1728 Boca Del Mar PUD
(Control 1984-152)**

Amend Engineering Conditions 2 and 5 to read as follows:

2. Previous condition 4 of Resolution R-1985-288, Control No. 1984-152, which currently states: The developer shall construct ... (Previous condition 4 of Resolution R-1985-288, Control No. 1984-152) is hereby deleted. [Reason: This portion of the development is now within the City of Boca Raton.]

5. Acceptable surety for the design... July 27, 2011-September 30, 2011...

**9. (363-384) Z/CA-2010-2802 934 Pike LLC
(Control 2010-352)**

Amend Engineering Condition 3 of Exhibit C-1 to read as follow:

3. Property owner shall construct a 5 foot concrete sidewalk... prior to the issuance of the first building permit. Alternatively, the property owner may provide funds to Palm Beach County to construct the sidewalk based on 110% of a cost estimate prepared by a professional engineer and approved by the County Engineer.

Amend Landscape – Perimeter Conditions 3 and 4 of Exhibit C-1 to read as follows:

The landscaping and buffer width along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) canopy tree per twenty-five (25) linear feet to be planted on the outside of the fence
- c. a hedge planted on the outside of the fence:
 - 1) ~~consisting of either areca palms or bird of paradise;~~
 - 2) to be installed at forty-eight (48) inches in height;
 - 3) to be planted thirty-six (36) inches on center;
 - 4) to be maintained at least eight (8) feet in height;
 - 5) to achieve eight (8) feet in height within two (2) years of planting
- d. a small shrub planted on the inside of the fence:
 - 1) to be installed twenty-four (24) inches on center;
 - 2) to be maintained at least twenty-four (24) inches in height; and

- e. chain link fence twelve (12) feet in height with one hundred percent opaque screening.
(BLDG PERMIT: LANDSCAPE - Zoning)

The landscaping and buffer width along the south and east property lines shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip.
- b. one (1) canopy tree per twenty-five (25) linear feet to be planted on the outside of the fence
- c. a hedge planted on the outside of the fence:
 - ~~1) consisting of either areca palms or bird of paradise;~~
 - 2) to be installed at forty-eight (48) inches in height;
 - 3) to be planted thirty-six (36) inches on center;
 - 3) to be maintained at least eight (8) feet in height;
 - 4) to achieve eight (8) feet in height within two (2) years of planting
- d. a small shrub planted on the inside of the fence:
 - 1) to be installed twenty-four (24) inches on center;
 - 2) to be maintained at least twenty-four (24) inches in height; and
- e. chain link fence twelve (12) feet in height with one hundred percent opaque screening.
(BLDG PERMIT: LANDSCAPE - Zoning)



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

THURSDAY MARCH 3, 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

MARCH 3, 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 Thursday, March 31, 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

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. **DOA-2010-02813** Title: a Development Order Amendment application of Bethesda Healthcare System Inc by Urban Design Kilday Studios, Agent. Request: to add square footage and reconfigure the site plan within the Bethesda West Hospital MUPD and extend build out date and restart clock for Commencement of Development

General Location: Northeast corner of Boynton Beach Blvd and State Road 7 **(Bethesda West Hospital)** (Control 2006-00011)

Pages 1 - 27

Conditions of Approval Pages (17 - 22)

Project Manager: Carrie Rechenmacher

Size: 58.67 acres ±

BCC District: 5

(affected area 8.56 acres ±)

Staff Recommendation: Staff recommends approval of the Development Order Amendment subject to 28 Conditions of Approval and indicated in Exhibit C.

MOTION: to recommend approval of a Development Order Amendment to add square footage, reconfigure the site plan, and restart the clock for Commencement of Development within the Bethesda West Hospital MUPD subject to Conditions of Approval as indicated in Exhibit C.

2. **ZV-2010-02806** Title: a Type II Zoning Variance application of Race Trac Petroleum Inc by Brandenburg & Associates P.A., Agent. Request: to allow 24 hours operation within 250 feet of a residential district

General Location: Northeast corner of Haverhill Road and Wallis Road **(Race Trac Haverhill)** (Control 2005-00514)

Pages 28 - 51

Conditions of Approval Pages (38 - 38)

Project Manager: Joyce Lawrence

Size: 1.95 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 3 Conditions of Approval as indicated in Exhibit C, based upon the following application of the standards enumerated in Article 2, Section 2.B.3.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission who may authorize a variance.

MOTION: To recommend approval of a Type II Zoning Variance to allow 24 hours operation of business activities within 250 feet of a residential district to continue from 6:00 a.m. to 6:00 a.m. (24 hours).

3. **PDD/DOA-2010-00412** Title: an Official Zoning Map Amendment to a Planned Development District application of Sunshine Wireless of Maryland by Marda L. Zimring Inc, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

Title: a Development Order Amendment application of Sunshine Wireless of Maryland by Marda L. Zimring Inc, Agent. Request: to add land area, add square footage and modify/delete conditions of approval (Signs and Use Limitations)

General Location: 0.25 miles north of Glades Road, adjacent to west side of Florida Turnpike (**Glades Road Self Storage**) (Control 1992-00044)

Pages 52 - 86

Conditions of Approval Pages (73 - 78)

Project Manager: Joyce Lawrence

Size: 12.95 acres ±

BCC District: 5

(affected area 13.16 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C-1 and 29 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment (DOA) to modify the site plan to add land area and square footage and to modify Conditions of Approval (Sign and Use Limitations) subject to Conditions of Approval as indicated in Exhibit C-2.

4. **DOA/R-2010-02822** Title: a Development Order Amendment application of Civic Development Group LLC by CMS Engineering LLC, Agent. Request: to add a Congregate Living Facility, Type 3 and a Nursing Facility to the Preliminary Master Plan; and, delete 2 access points.

Title: a Requested Use application of Civic Development Group LLC by CMS Engineering LLC, Agent. Request: to allow a Congregate Living Facility, Type 3 and a Nursing Facility.

General Location: Southwest corner of Hypoluxo and Lyons Roads (**Villages of Windsor SW Civic**) (Control 1996-00081)

Pages 87 - 123

Conditions of Approval Pages (104 - 119)

Project Manager: Carol Glasser

Size: 22.50 acres ±

BCC District: 3

Staff Recommendation: To recommend approval of the requests subject to 70 Conditions of Approval as indicated in Exhibit C-1 for the Development Order Amendment and 8 Conditions of Approval as indicated in Exhibit C-2 for the Requested Uses.

MOTION: To recommend approval of a Development Order Amendment to add a Congregate Living Facility, Type 3 and a Nursing Facility to the Preliminary Master Plan; and, delete 2 access points subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of Requested Uses to allow a Congregate Living Facility, Type 3 and a Nursing Facility subject to the Conditions of Approval as indicated in Exhibit C-2.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

5. [SD-139](#)

Lakes at La Paz, a Condominium, requesting variances from the requirements that (A) water management tract side slopes be no steeper than four(H):one(V) extending to a depth of at least two feet below the design control elevation, and (B) lake maintenance easements be a minimum of 20 feet in width and graded at a slope no steeper than eight(H):one(V).

Requirements are set forth in the Unified Land Development Code, Article 11.E.4.F.4.a, and 11.E.4.G.2.

Location: west of Powerline Road and north of SW 18th Street, on the south side of Boca Pointe Drive, in the RS Zoning District.

BCC District: 4

Pages 124 - 136

MOTION: To adopt a resolution approving a Type II Subdivision Variance to allow existing water management tract slopes and lake maintenance easement slopes to remain, subject to the four conditions in the Staff Report.

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

6. [Z/DOA/CA-2010-01729](#) Title: an Official Zoning Map Amendment application of Iglesia Cristo Mi Redentor Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Single family Residential (RS) Zoning District.

Title: A Development Order Amendment application of Iglesia Cristo Mi Redentor Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Place of Worship and to add and delete land area.

Title: A Class A Conditional Use application of Iglesia Cristo Mi Redentor Inc by Cotleur & Hearing Inc., Agent. Request: to allow a Day Care, General.

General Location: Approximately 0.33 miles south of Gun Club Road on the east side of Haverhill Road. (**Iglesia Cristo Mi Redentor**) (Control 2003-00009)

Pages 137 - 183

Conditions of Approval Pages (160 - 170)

Project Manager: Joyce Lawrence

Size: 6.98 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment and a Conditional Overlay Zone (COZ) subject to 9 Conditions of Approval as indicated in Exhibit C-1, a Development Order Amendment to allow a Place of Worship subject to 24 Conditions of Approval as indicated in Exhibit C-2, and a Class A Conditional Use to allow a Day Care, General subject to 3 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Single family Residential (RS) Zoning District with a Conditional Overlay Zone (COZ) subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to allow a Place of Worship and to modify the site plan to add and delete land area subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional Use to allow a Day Care, General subject to Conditions of Approval as indicated in Exhibit C-3.

7. **PDD/DOA/R-2010-01719** Title: an Official Zoning Map Amendment to a Planned Development District application of Chick-fil-A Inc by Corporate Property Services, Agent. Request: to allow a rezoning from the General Commercial/Special Exception (CG/SE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: A Development Order Amendment application of Chick-fil-A Inc by Corporate Property Services, Agent. Request: to reconfigure the Site Plan and add square footage.

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

General Location: Southeast corner of Southern Boulevard and State Road 7. **(Western Plaza)** (Control 1977-00048)

Pages 184 - 228

Conditions of Approval Pages (207 - 216)

Project Manager: Autumn Sorrow

Size: 32.86 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment, a Development Order Amendment to allow reconfigure the site plan and add square footage subject to 59 conditions of approval as indicated in Exhibit C-1, and a Requested Use to allow a Type I Restaurant subject to 7 conditions of approval as indicated in Exhibit C-2.

MOTION: To recommend approval of an Official Zoning Map Amendment from the General Commercial/Special Exception (CG/SE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan and add square footage.

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant.

8. **ZV/DOA-2010-01728** Title: a Development Order Amendment application of Mizner Trail Golf Club Ltd, Siemens Group Inc. by Urban Design Kilday Studios, Agent. Request: to modify and redesignate uses, and add POD's, units, and access points on the Master Plan.

General Location: Generally located south of Camino Real; east of Powerline Road; west of Military Trail; and, north of SW 18th Street. More specifically, north and east sides of Canary Palm Drive; the east and west side of Camino Del Mar; and northwest and southwest of Palm D'Oro Drive **(Boca Del Mar PUD)** (Control 1984-00152)

Pages 229 - 362

Conditions of Approval Pages (283 - 289)

Project Manager: Wendy Hernandez

Size: 1,945.96 acres ±

BCC District: 4

(affected area 129.88 acres ±)

Staff Recommendation: Staff recommends denial of the request to modify and redesignate uses, and add PODs, units, and access points on the Master Plan.

MOTION: To recommend Denial of the Development Order Amendment to modify and redesignate uses, and add POD's, units, and access points on the Master Plan.

D. ZONING APPLICATIONS - NEW

- 9. **Z/CA-2010-02802** Title: an Official Zoning Map Amendment application of 934 Pike LLC by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Light Industrial (IL) Zoning District

Title: a Class A Conditional Use application of 934 Pike LLC by Jon E Schmidt & Associates, Agent. Request: to allow Gas and Fuel, Wholesale

General Location: Located on the east side of Pike Road approximately 300 feet south of Belvedere Road. **(934 Pike LLC)** (Control 2010-00352)

Pages 363 - 384

Conditions of Approval Pages (378 - 380)

Project Manager: Donna Adelsperger

Size: 1.91 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request for an Official Zoning Map Amendment to allow for a rezoning from the Residential Multi-family (RM) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to 11 Conditions of Approval as indicated in Exhibit C-1 and approval of a Class A Conditional Use to allow Gas and Fuel Wholesale subject to the 4 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of the request for an Official Zoning Map Amendment to allow a rezoning from the Multi-family Residential (RM) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow Gas and Fuel, Wholesale subject to the Conditions of Approval as indicated in Exhibit C-2.

- 10. **ZV-2010-02817** Title: a Type II Zoning Variance application of Jin Chung by Land Design South Inc., Agent. Request: to allow a reduction in minimum lot size for the Community Commercial (CC) Zoning District

General Location: South side of Lantana Road, east of Lyons Road. **(US Marshal Arts Academy)** (Control 2009-00281)

Pages 385 - 399

Conditions of Approval Pages (393 - 393)

Project Manager: Carol Glasser

Size: 0.69 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial based on the findings. If the Zoning Commission approves the variance, then staff recommends approval subject to 5 Conditions of Approval.

MOTION: To adopt a resolution denying a Type II Zoning Variance for a reduction in minimum lot size for the Community Commercial (CC) Zoning District.

E. SUBDIVISION VARIANCE

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT