



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

THURSDAY MAY 5, 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

MAY 5, 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, May 26, 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

- 1. **SV/ZV-2010-02232** Title: a Subdivision Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow a reduction in the required minimum access width.

Title: a Type II Zoning Variance application of Malt Robert C & Co by Land Research Management Inc., Agent. Request: to allow for a reduction in an Incompatible Buffer width along the west property line; to allow 100 percent of the landscape material to be planted on the inside of a wall; to allow off-site signage; to allow an increase in the sign height and sign face area; to allow an off-site directional sign to be located greater than 50 feet from the point of ingress, and to allow the off-site directional sign to be attached to an existing sign.

General Location: Approximately 380 feet west of Military Trail, on the north side of Orleans Court. **(Orleans Court Industrial)** (Control 2003-00098)

Pages 1 - 31

Conditions of Approval Pages (19 - 21)

Project Manager: Donna Adelsperger

Size: 2.24 acres ±

BCC District: 6

(affected area 1.58 acres ±)

Staff Recommendation: To postpone to Thursday June 2, 2011.

MOTION: To postpone to Thursday June 2, 2011.

- 2. **DOA/R-2010-02573** Title: a Development Order Amendment application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to reconfigure the site plan; relocate requested uses; and, to modify/delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitations).

Title: a Requested Use application of Chick-fil-A Inc. by Corporate Property Services Inc., Agent. Request: to allow a Type 1 Restaurant.

General Location: Northeast corner of Jog Road and Lantana Road. **(Chick-fil-A at Lee Square)** (Control 1981-00186)

Pages 32 - 85

Conditions of Approval Pages (57 - 71)

Project Manager: Carol Glasser

Size: 38.19 acres ±

BCC District: 3

(affected area 12.09 acres ±)

Staff Recommendation: To postpone to Thursday, June 2, 2011.

MOTION: To postpone to Thursday, June 2, 2011.

OR

To recommend approval of a Development Order Amendment to reconfigure the site plan; relocate requested uses; and, to modify/delete Conditions of Approval (All Petitions, Building and Site Design, Use Limitations) subject to the Conditions of Approval as indicated in Exhibit C-1.

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**

3. **DOA/R-2010-03025** Title: a Development Order Amendment application of Arrigo Enterprises Inc by Greenberg Traurig PA, Agent. Request: to reconfigure the site plan, add square footage, add requested uses, and to add and delete an access point

Title: a Requested Use application of Arrigo Enterprises Inc by Greenberg Traurig PA, Agent. Request: to allow a Hotel; a Restaurant, Type I; and an Auto Paint and Body Shop

General Location: Southeast corner of Okeechobee Boulevard and Jog Road **(Arrigo Dodge MUPD)** (Control 1995-00022)

Pages 86 - 125

Conditions of Approval Pages (105 - 116)

Project Manager: Carrie Rechenmacher

Size: 44.71 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of a Development Order Amendment subject to 55 Conditions of Approval as indicated in Exhibit C-1, and approval of two Requested Uses subject to 5 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 requested uses, and delete and add an access point subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use to allow a Hotel, a Type I Restaurant and an existing Auto Paint and Body Shop subject to the Conditions of Approval as indicated in Exhibit C-2.

4. **ABN/DOA/R-2011-00148** Title: a Development Order Abandonment application of dba Oxbridge Academy of the Palm Beaches by Johnston Group Land Development Consultants Inc., Agent. Request: to abandon the Public Recreational Facilities use approved in R-1986-573-11 and R-1988-1236
Title: a Development Order Amendment application of dba Oxbridge Academy of the Palm Beaches by Johnston Group Land Development Consultants Inc., Agent. Request: to reconfigure the master plan and site plan to add and delete 1 access point
Title: a Requested Use application of dba Oxbridge Academy of the Palm Beaches by Johnston Group Land Development Consultants Inc., Agent. Request: to allow a General Day Care and a Secondary School
General Location: NE Quadrant of intersection of Community Drive and Military trail (**Dorfman PUD**) (Control 1985-00171)

Pages 126 - 155

Conditions of Approval Pages (142 - 154)

Project Manager: Joyce Lawrence

Size: 80.32 acres ±

BCC District: 2

(affected area 40.72 acres ±)

Staff Recommendation: Staff recommends approval of a Development Order Abandonment, the approval of a Development Order Amendment subject to 58 Conditions of Approval as indicated in Exhibit C-1, and the approval of two Requested Uses subject to 8 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Abandonment to abandon the Public Recreation Facility Use approved in R-1986-573-11 and R-1988-1236.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the preliminary master plan to add and delete 1 access point subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Requested Uses to allow a General Day Care and a Secondary School subject to Conditions of Approval as indicated in Exhibit C-2.

E. CORRECTIVE RESOLUTIONS

5. **Resolution correcting Resolution ZR-2010-011**, adopted on August 5, 2010 by adding Condition 1 of the staff report that was inadvertently omitted from the resolution and renumbering the remainder of the conditions in Exhibit C of ZR-2010-011.

Pages 156 - 156

MOTION: To adopt a resolution correcting Resolution ZR-2010-011, adopted on August 5, 2010 by adding Condition 1 of the staff report that was inadvertently omitted from the resolution and renumbering the remainder of the conditions in Exhibit C of ZR-2010-011.

F. ABANDONMENTS

- 6. **ABN-2011-00418** Title: a Development Order Abandonment application of Whiteside Group Inc by Urban Design Kilday Studios, Agent. Request: to allow the abandonment of ZR-2005-003 for a Class B Conditional Use to allow a Chipping and Mulching facility

General Location: Located at the north side of 7th Place North, approximately 1,000 feet east of Pike Road. **(Whiteside Industrial Park)** (Control 1998-00062)

Pages 157 - 159

Project Manager: Douglas Robinson

Size: 9.62 acres ±

BCC District: 6

MOTION: To adopt a resolution approving a Development Order Abandonment to allow for the abandonment of ZR-2005-003 for a Class B Conditional Use to allow a Chipping and Mulching facility.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 7. **ZV-2010-02831** Title: a Type II Zoning Variance application of Curtis Lewis by Land Research Management Inc., Agent. Request: to allow extended hours of operation for a commercial property adjacent to a residential property; to allow reduction in right-of-way and incompatibility buffers widths; to allow a reduction in the front and rear setbacks; and to allow a reduction in the amount of plant material for the right-of-way and incompatibility buffers.

General Location: Southeast corner of the intersection of Okeechobee Boulevard and Wabasso Drive and properties along Shawnee Drive and Wabasso Drive. **(Okeechobee Steakhouse)** (Control 2007-00342)

Pages 160 - 198

Conditions of Approval Pages (175 - 175)

Project Manager: Autumn Sorrow

Size: 1.74 acres ±

BCC District: 2

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

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow extended hours of operation for a commercial property adjacent to a residential property; to allow reduction in right-of-way and incompatibility buffers widths; to allow a reduction in the front and rear setbacks; and to allow a reduction in the amount of plant material for the right-of-way and incompatibility buffers subject to the Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

- 8. **ZV-2011-00407** Title: a Type II Standalone Variance application of River Loxahatchee by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to eliminate the required hedges and shrubs along the north, west, and east property lines.

General Location: Located on the south side of Jupiter Park Drive 0.52 miles south of Indiantown Road and Central Boulevard. **(Loxahatchee River Environmental Control District)** (Control 1974-00034)

Pages 199 - 215

Conditions of Approval Pages (209 - 209)

Project Manager: Autumn Sorrow

Size: 161.54 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of a Type II Zoning Variance subject to 4 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Zoning Variance to eliminate the required hedges and shrubs along the north, west, and east property lines subject to the Conditions of Approval as indicated in Exhibit C.

- 9. **ZV/CA-2010-00974** Title: A Type II Concurrent Variance application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow 24 hours operation within 250 feet of a residential district
Title: A Class A Conditional Use application of Race Trac Petroleum Inc by Gary M. Brandenburg and Associates, Agent. Request: to allow a Convenience Store with Gas Sales
General Location: Northwest corner of Military Trail and Landar Road within 1,000 feet of Lake Worth Road (**Military Trail Commercial**) (Control 1977-00190)

Pages 216 - 273

Conditions of Approval Pages (240 - 244)

Project Manager: Joyce Lawrence

Size: 3.29 acres ±

BCC District: 2

Staff Recommendation: Staff recommends denial of a Type II Zoning Variance and denial of the Class A Conditional Use based on findings in the staff report.

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

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

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

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

COMMISSIONER COMMENTS

ADJOURNMENT