



**ZONING COMMISSION  
ZONING MEETING**

**AMENDMENTS TO THE AGENDA  
AUGUST 2, 2012**

**AGENDA**

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**POSTPONEMENTS**

<b>7.</b>	<b>(143-181)</b>	<b>DOA-2012-00116</b> (Control 2004-00456)	<b>VILLAGIO ISLES</b>
-----------	------------------	---	-----------------------

REQUEST BY APPLICANT TO POSTPONE-NOT BY RIGHT

**MOTION:** To Postpone to the September 6, 2012 Zoning Commission.

**CONSENT AGENDA**

**REQUESTS TO PULL ITEMS FROM CONSENT**

<b>4.</b>	<b>(61-90)</b>	<b>ZV-2012-00983</b> (Control 2008-00243)	<b>HYPOLUXO SHOPPES</b>
-----------	----------------	--	-------------------------

**MOTION:** To pull from the Consent Agenda and reorder.

**ZONING APPLICATIONS – NEW**

<b>1.</b>	<b>(1-20)</b>	<b>CA-2011-01993</b> (Control 1992-10020)	<b>EUROPEAN BP</b>
-----------	---------------	--	--------------------

**DELETE and REPLACE LANDSCAPE – GENERAL** Condition 1 of Exhibit C to read as follows:

~~1. At time of submittal for Building Permit, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDG PERMIT: LANDSCAPE – Zoning)~~

Prior to Final Approval by the Development Officer, the Property Owner shall submit a Landscape Plan to the Zoning Division for review and approval. The Landscape Plan shall show all existing and Code required plant materials, which includes replacement of existing trees along the west property line. The replacement of trees shall include species pursuant to Florida Power Light’s “Plant the Right Tree in the Right Place” to avoid hat-racking practice by the Utility Company. (DRO:LANDSCAPE – Zoning)

<b>2.</b>	<b>(21-41)</b>	<b>CA-2012-00688</b> (Control 2011-00552)	<b>AMERICAN JEWELRY AND GUNS</b>
-----------	----------------	--	----------------------------------

**AMEND LANDSCAPE – GENERAL** Condition 1 of Exhibit C-1 to read as follows:

1. Prior to ~~August 2~~December 1, 2012, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)

**ADD LANDSCAPE – GENERAL** Condition 2 of Exhibit C-1 to read as follows:

2. At time of submittal for Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO:LANDSCAPE-Zoning)

**DELETE and REPLACE LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL)** Condition 1 of Exhibit C-1 to read as follows:

- ~~1. Prior to August 2, 2012, the existing ROW Landscape Buffer along Military Trail shall be upgraded to include the large shrubs and medium shrubs as noted in Table 7.F.7.B Shrub Planting Requirements. (DATE: LANDSCAPE - Zoning)~~

1. Landscaping along the west property line shall include shrub materials:
  - a. one (1) large shrub for each four (4) linear feet of the property line. Large shrubs shall be a minimum of forty-eight (48) inches at installation;
  - b. one (1) medium shrub for each four (4) linear feet of the property line. Medium shrubs shall be a minimum of thirty-six (36) inches at installation;
  - c. one (1) small shrub for each two (2) linear feet of the west property line. Shrub shall be a minimum of twenty-four (24) inches at installation. The required small shrubs may be relocated elsewhere on the site if there is not sufficient space within the west buffer. The proposed location shall be shown on the Landscape Plan and Regulating Plan for review and approval by the Landscape Section. (DRO:LANDSCAPE-Zoning)

**3. (42-60) CB-2012-00376 SOUTHERN WASTE SYSTEMS**  
(Control 2008-00243)

**DELETE AND REPLACE LANDSCAPE – GENERAL** Conditions 1 and 2 of Exhibit C to read as follows:

- ~~1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the applicant shall submit and receive approval for an Alternative Landscape Plan (ALP). The alternative Landscape Plan shall allow for the relocation of:~~

- ~~a. Plant material for the Martin Lane Right-of-Way buffer where there is existing asphalt, as shown on the Preliminary Site Plan dated June 14, 2012; and~~
- ~~b. The foundation plantings, as previously approved for the existing Repair and Maintenance building. (DRO: LANDSCAPE – Zoning)~~

- ~~2. The six (6) Cabbage/Sabal Palms, shown to be relocated on the Tabular Tree List on the Preliminary Regulating Plan, shall be relocated to the Right-of-Way Buffers for Wallis Road and the south 320 feet of Martin Lane. (CO:LANDSCAPE – Zoning)~~

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall revise the Site Plan to:
  - a. remove the asphalt roadway out of the required Right-of-Way Buffer of 68<sup>th</sup> Avenue (Martin Lane) or include the area as part of the ingress/egress easement; and,
  - b. clearly indicate the required Right-of-Way Buffer along the east property line. (DRO:ZONING-Zoning)

2. Prior to Final Approval by the Development Review Officer, the property owner shall submit a Landscape Plan for review and approval. The Landscape Plan shall replace the previously approved Alternative Landscape Plan (ALP) and shall indicate:
  - a. the Code required landscape plantings and buffers for the property; and,
  - b. existing and proposed gradients of the subject property; and,
  - c. the existing native palms to be preserved within the buffers or other landscape areas. (DRO: LANDSCAPE - Zoning)

**REGULAR AGENDA**

**ITEMS PULLED FROM CONSENT**

**4. (61-90) ZV-2012-00983 HYPOLUXO SHOPPES**  
 (Control 2008-00243)

To correct the Variance Chart to read as follows:

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV-2012-00983	<b>V1 - 3.E.3</b> MUPD, Multiple Use Planned Development. Property Development Regulations	Minimum of 5 acres	4.2 acres	(-0.8 acres)
	<b>V2 - 3.E.3</b> MUPD, Multiple Use Planned Development. Property Development Regulations	Minimum of 50,000 square feet (sf)	<del>43,800</del> <u>10,000</u> sf	( <del>-36,200</del> <u>-40,000</u> sf)
	<b>V3 - 3.E.3</b> MUPD, Multiple Use Planned Development. Property Development Regulations	Minimum of 300 ft - Depth	293 ft - Depth	(-7 ft)

**PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**6. (109-142) ABN/Z/DOA/CA-2012-00696 Franklin Academy - Boynton**  
 (Control 2005-00589)

**ADD ARCHITECTURAL REVIEW** Condition 2 of Exhibit C-1 to read as follows:

- 2. Prior to final approval by the Development Review Officer, the elevations for the proposed school shall be modified to include:
  - a. the pitched roof portions of the proposed building shall be covered with barrel tile.  
 (DRO: ZONING – Zoning)

**AMEND Engineering Conditions 3** of Exhibit C-1 to read as follows:

- 3. The Property Owner shall construct:
  - i. a right turn lane south approach on Military Trail at Miner Road (aka Knollwood Rd/80th Land South),
  - ii. median modifications on Military Trail at Miner Road (aka Knollwood Rd/80th Land South), including the removal of approximately 30 feet of median to allow for westbound left turns, ~~and~~
  - iii. median modifications on Military Trail at the project entrance/Old Military Trail, including the removal of approximately 20 feet of median on the north approach and the extension of approximately 60 feet of median on the south approach to improve operations~~;~~
  - iv. Old Military Trail from ~~Military Trail south to~~ Miner Road (aka Knollwood Rd/80th Land South) north to the south project entrance to local street standards including paved shoulders, appropriate drainage, two 10-foot travel lanes and sidewalks, as required by the County Engineer, and
  - v. Miner Road (aka Knollwood Rd/80<sup>th</sup> Land South) as a continuous 3-lane section (two westbound lanes and one eastbound lane) between Military Trail and Old Military Trail to collector road standards including paved shoulders, appropriate drainage and sidewalks as required by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. ~~Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)~~
- b. ~~All Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)~~

**DELETE AND REPLACE** Engineering Condition 4 of Exhibit C-1 to read as follows:

- 4. ~~The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Miner Road and Military Trail. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.~~
  - a. ~~No Building Permits shall be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng)~~
  - b. ~~In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the 11-day count for school enrollment exceeds 1,000 students and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)~~

Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall permit, fund, install and have operational the traffic signal at Miner Road and Military Trail. Signalization shall be a mast arm structure installation. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition. (CO: MONITORING-Eng)

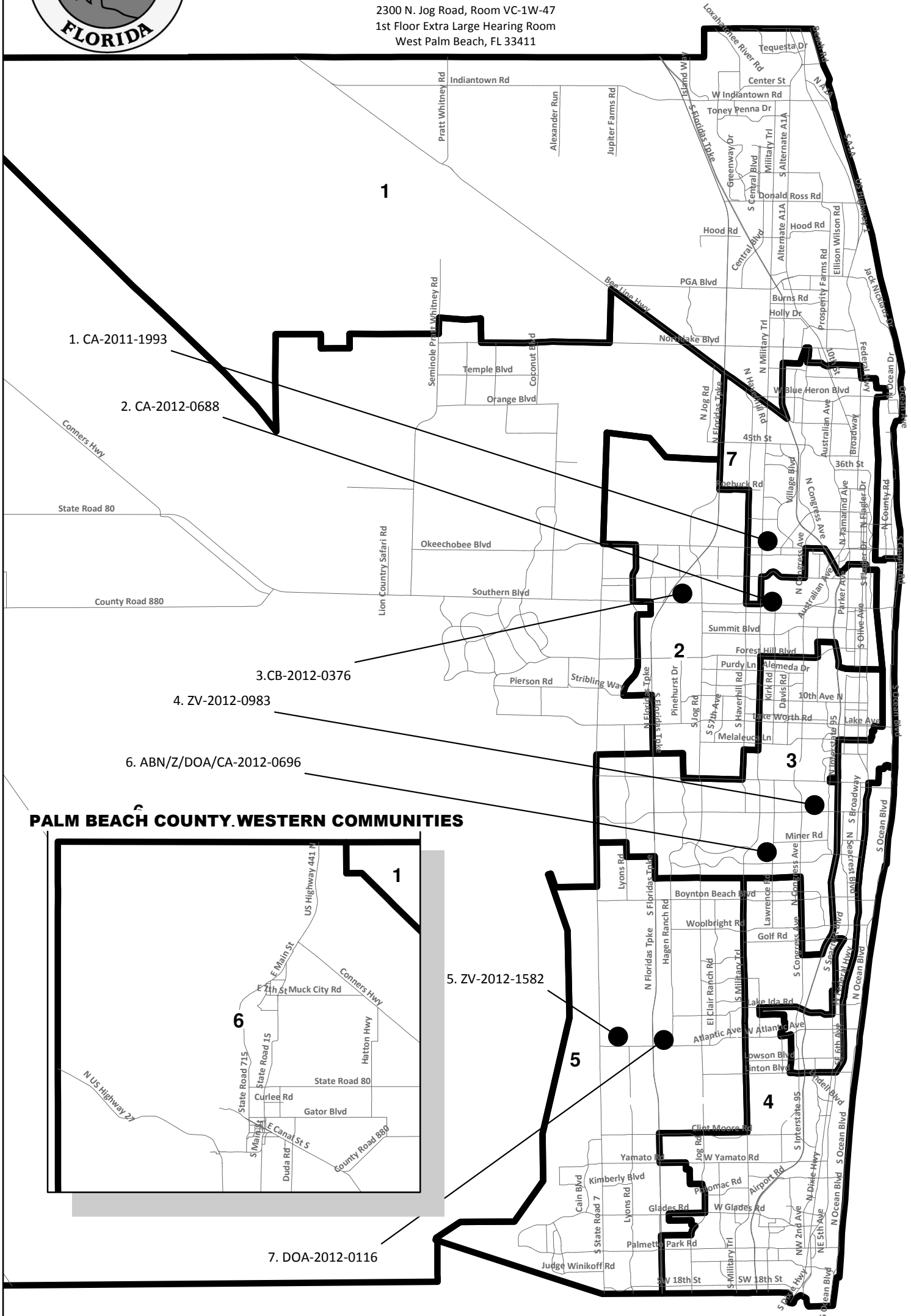
**AMEND AND ADD LANDSCAPE – PERIMETER –~~PERIMETER~~ LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINE (~~ABUTTING~~ ADJACENT TO RESIDENTIAL)**  
Condition 2 and 4 of Exhibit C-1 to read as follows:

- 2. In addition to code requirements, ~~and the proposed landscaping and buffering~~ along the north ~~and east~~ property lines shall be upgraded to include:
  - a. a two (2) foot high continuous berm;
  - b. a six (6) foot high concrete panel wall to be located at the top of the berm. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure
  - c. wall and berm shall be located along the west four hundred and forty (440) feet of the north property line; and,
  - b. one (1) palm or pine for each for each thirty (30) linear feet for the entire north property line. ~~with a maximum spacing of sixty (60) feet between clusters.~~ (BLDG PERMIT: LANDSCAPE - Zoning)
- 4. In addition to code requirements and the proposed landscaping along the east property line shall be upgraded to include:
  - a. one (1) palm or pine for each for each thirty (30) linear feet of the property lines with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)



# PALM BEACH COUNTY ZONING COMMISSION PUBLIC HEARING

THURSDAY, AUGUST 2, 2012  
9:00 A.M. in the VISTA CENTER COMPLEX  
2300 N. Jog Road, Room VC-1W-47  
1st Floor Extra Large Hearing Room  
West Palm Beach, FL 33411



## PALM BEACH COUNTY WESTERN COMMUNITIES

Karen Marcus Commissioner, District 1    Shelley Vana Chair, District 3    Burt Aaronson Commissioner, District 5    Priscilla A. Taylor Commissioner, District 7  
Paulette Burdick Commissioner, District 2    Steven L. Abrams Commissioner, Vice Chair District 4    Jess R. Santamaria Commissioner, District 6

In accordance with the ADA, this document may be requested in an alternative format.  
Auxiliary aids or services will be provided upon request with at least three days notice. Please contact Stacey Smalls at (561) 233-5221. Website: [www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**This page left blank intentionally**



---

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

**THURSDAY AUGUST 2, 2012**

**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/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*

**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**AUGUST 2, 2012**

**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, August 23, 2012 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. **CA-2011-01993** Title: a Class A Conditional Use application of Lake Worth Property Enterprises LLC by H & L Planning & Development, Agent. Request: to allow a Convenience Store with Gas Sales  
General Location: Northwest corner of Okeechobee Boulevard and Indian Road **(European BP)** (Control 1992-10020)

Pages 1 - 20

Conditions of Approval Pages (15 - 16)

Project Manager: Joyce Lawrence

Size: 0.43 acres ±

BCC District: 7

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Convenience Store with Gas Sales subject to Conditions of Approval as indicated in Exhibit C.

- 2. **CA-2012-00688** Title: a Class A Conditional Use application of Garry Bernardo by Frogner Consulting LLC, Agent. Request: to allow a Pawnshop  
General Location: East side of Military Trail two blocks North of Southern Blvd. **(American Jewelry and Guns)** (Control 2011-00552)

Pages 21 - 41

Conditions of Approval Pages (36 - 37)

Project Manager: David McGuire

Size: 0.30 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 7 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Pawnshop subject to the Conditions of Approval as indicated in Exhibit C.

3. **CB-2012-00376** Title: a Class B Conditional Use application of Prime Realty Capital LLC by Land Design South Inc., Agent. Request: to allow Chipping and Mulching

General Location: Approximately 650 feet east of Cleary Road on the north side of Wallis Road (**Southern Waste Systems**) (Control 2007-00310)

Pages 42 - 60

Conditions of Approval Pages (55 - 56)

Project Manager: Donna Adelsperger

Size: 5.00 acres  $\pm$

BCC District: 2

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 a Class B Conditional Use to allow Chipping and Mulching subject to the Conditions of Approval as indicated in Exhibit C.

4. **ZV-2012-00983** Title: a Type II Variance application of MBSA 3 LLC by Atlantic Land, Agent. Request: to allow a reduction in the minimum lot size, the minimum square footage threshold for Multiple Use Planned Development (MUPD) and the lot depth

General Location: Northeast corner of Hypoluxo Road and High Ridge Road (**Hypoluxo Shoppes**) (Control 2008-00243)

Pages 61 - 90

Conditions of Approval Pages (75 - 75)

Project Manager: Joyce Lawrence

Size: 4.20 acres  $\pm$

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Type II Zoning Variance to allow a reduction in the minimum lot size, the minimum square footage threshold for Multiple Use Planned Development (MUPD) and the lot depth subject to Conditions of Approval as indicated in Exhibit C.

5. **ZV-2012-01582** Title: a Type II Variance application of KRG/Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow a reduction in building design transparency

General Location: Northwest corner of West Atlantic Avenue and Lyons Road (**Delray Marketplace**) (Control 2004-00616)

Pages 91 - 108

Conditions of Approval Pages (100 - 100)

Project Manager: Carol Glasser

Size: 88.55 acres  $\pm$

BCC District: 5

(affected area 32.82 acres  $\pm$ )

Staff Recommendation: Staff recommends approval subject to 5 Conditions of Approval in Exhibit C.

**MOTION:** To adopt a resolution approving a Type II Variance to allow a reduction in building design transparency subject to the Conditions of Approval 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**

- 6. [ABN/Z/DOA/CA-2012-00696](#) Title: a Development Order Abandonment application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to abandon Resolution R-2007-1620 for a Class A Conditional Use to allow Townhouses  
Title: an Official Zoning Map Amendment application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District  
Title: a Development Order Amendment application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan, to add land area, add an access point and to delete the Conditional Overlay Zone (COZ) all Conditions of Approval for Resolution R-2007-1619  
Title: a Class A Conditional Use application of Florida Charter Foundation Inc, Precious Property Management Llc, Capstone Resdev LLC by Urban Design Kilday Studios, Agent. Request: to allow a School, Elementary or Secondary School (Charter)  
General Location: 0.75 miles north of Gateway Boulevard on the northeast corner of Knollwood Road and Old Military Trail (**Franklin Academy - Boynton**) (Control 2005-00589)

Pages 109 - 142

Conditions of Approval Pages (125 - 128)

Project Manager: Joyce Lawrence

Size: 9.93 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Development Order Abandonment; approval of the Official Zoning Map Amendment; approval of the Development Order Amendment subject to 19 Conditions of Approval as indicated in Exhibit C-1; approval of the Class A Conditional Use subject to 4 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon Resolution R-2007-1620 for a Class A Conditional Use to allow Townhouses.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan to add land area and add an access point subject to 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 (Charter School) subject to Conditions of Approval as indicated in Exhibit C-2.

- 7. **DOA-2012-00116** Title: a Development Order Amendment application of Anasca Acquisition LLC by CMS Engineering LLC, Agent. Request: to reconfigure the Master and Subdivision Plans and to amend Conditions of Approval (Arch Review, Engineering, Planning, PUD, School Board).  
General Location: Northwest corner of Hagen Ranch Road and Atlantic Ave. (**Villaggio Isles PUD**) (Control 2004-00456)

Pages 143 - 181

Conditions of Approval Pages (163 - 174)

Project Manager: David McGuire

Size: 92.07 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 43 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of the Development Order Amendment to reconfigure the Master and Subdivision Plans and to amend Conditions of Approval (Arch Review, Engineering, Planning, PUD, and School Board) subject to the Conditions of Approval as indicated in Exhibit C.

**D. ZONING APPLICATIONS - NEW**

**E. SUBDIVISION VARIANCE**

**END OF REGULAR AGENDA**

**DIRECTOR COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**