



**ZONING COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
OCTOBER 3, 2013**

<u>AGENDA ITEM #</u>	<u>APPLICATION # CONTROL #</u>	<u>(PAGE #)</u>	<u>APPLICATION NAME</u>
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CONSENT AGENDA

D. ZONING APPLICATIONS - NEW

3.	Z/CA-2013-00493 (Control 2013-00085)	(8-8)	TRAILS CHARTER SCHOOL
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AMEND ENGINEERING Conditions 6C of Exhibit C-1 to read as follows:

C. Construct 67th Place South and 43rd Avenue South to non-plan collector road standards from Military Trail to the proposed driveway entry(ies). This construction shall include, but not be limited to, 2 - 12 foot wide travel lanes, 2 - 2 foot paved shoulders, sidewalks ~~on north side~~, and drainage conveyance and retention/detention system, or as otherwise approved by the County Engineer. (ONGOING: ENGINEERING-Eng)

REGULAR AGENDA

D. ZONING APPLICATIONS – NEW

8.	ZV/PDD/DOA-2013-01618 (CONTROL 1985-00095)	(169-208)	BERNSTEIN MUPD
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AMEND VARIANCE Condition 1 for Exhibit C-1 as follows:

1. This Variance is approved based on the layout as shown on the Site Plan dated ~~October~~ August 22, 2013. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Site Plan. (ONGOING: CODE ENF - Zoning)

DELETE ARCHITECTURAL REVIEW Condition 2 for Exhibit C-2.

AMEND LANDSCAPE – GENERAL Condition 5 for Exhibit C-2 as follows:

5. Prior to ~~April~~ November 1, 2014, the Property Owner shall replace all dead and missing plant materials on ~~the entire subject property~~ Parcels A, A-1 and C. (DATE: LANDSCAPE - Zoning)

AMEND LANDSCAPE – PERIMETER - ALONG THE NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL) Condition 9 for Exhibit C-2 as follows:

9. Condition LANDSCAPE I.1 of Resolution R02001-00976, Control No 1985-00095(F), which currently states:

...hereby amended to read:

In addition to the Code requirements, landscaping and/or buffer width along the eastern 377 feet and the western 150 feet of the north property line shall be upgraded to include: ...

AMEND SITE DESIGN Condition 1 for Exhibit C-2 as follows:

1. Access to the site shall be limited to ~~one (1)~~ two (2) ingress/egress points from Glades Road. (~~6.2-acre parcel~~) (DRC: ZONING)

AMEND SITE DESIGN Condition 4 for Exhibit C-2 as follows:

4. Total gross floor area shall be limited to a maximum of ~~57,120~~ 69,500 square feet. Expansion shall be limited to a maximum increase of 1,000 square feet and subject to Concurrency/Traffic Division approvals. (DRC: ZONING)



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

THURSDAY OCTOBER 3, 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

OCTOBER 3, 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, October 24, 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. **DOA-2013-01606** Title: a Development Order Amendment application of Pine Trail Square Llc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the site plan to add square footage
General Location: Southwest corner of Military Trail and Okeechobee Boulevard **(Pine Trail Shopping Center)** (Control 1978-00273)

Pages 1 - 1

Project Manager: Roger Ramdeen

Size: 27.47 acres ±

BCC District: 7

Staff Recommendation: Staff recommends a postponement to November 7, 2013.

MOTION: To postpone to November 7, 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. **Z/CA-2013-00493** Title: an Official Zoning Map Amendment application of MG3 ALF Military LLC, Hernan Leonoff by Miller Land Planning, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Multi-Family (RM) Zoning District.

Title: a Class A Conditional Use application of MG3 ALF Military LLC, Hernan Leonoff by Miller Land Planning, Agent. Request: to allow an Elementary or Secondary School (Charter).

General Location: Approximately 0.25 mile north of Hypoluxo Road on the east side of Military Trail. **(Trails Charter School)** (Control 2013-00085)

Pages 2 - 32

Conditions of Approval Pages (7 - 10)

Project Manager: Joyce Lawrence

Size: 7.48 acres ±

BCC District: 3

(affected area 7.40 acres ±)

Staff Recommendation: Staff recommends approval of the requests, including a Conditional Overlay Zone (COZ), subject to 9 Conditions of Approval as indicated in Exhibit C-1; and 9 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of an Official Zoning Map Amendment, including 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 approval to allow an Elementary School (Charter) subject to the Conditions of Approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

3. **DOA-2013-01615** Title: a Development Order Amendment application of Lantana Charter, LLC by Cotleur & Hearing Inc., Agent. Request: to add square footage and number of students to the Master Plan and Site Plan for the School.

General Location: South side of Lantana Road approximately 0.5 mile east of Lyons Road. **(Lantana Civic Pavilion)** (Control 1981-00233)

Pages 33 - 58

Conditions of Approval Pages (38 - 43)

Project Manager: Carol Glasser

Size: 5.10 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 29 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to add square footage and number of students to the Master Plan and Site Plan for the School subject to the Conditions of Approval as indicated in Exhibit C.

4. **DOA-2013-00769** Title: a Development Order Amendment Request application of 441 Southern Llc by Creech Engineers Inc., Agent. Request: to reconfigure the Site Plan and add square footage.

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

Pages 59 - 86

Conditions of Approval Pages (64 - 73)

Project Manager: Autumn Sorrow

Size: 20.30 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 60 Conditions of Approval as indicated in Exhibit C.

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

5. **ZV/DOA/R-2013-01069** Title: a Type II Variance application of Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman by RKB Architects Planners Inc., Agent. Request: to allow an increase in height and sign face area for a Freestanding Sign; a decrease in the number of queuing spaces and parking spaces; and, a reduction in width of landscape islands.

Title: a Development Order Amendment application of Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman by RKB Architects Planners Inc., Agent. Request: to reconfigure the Master Plan and Site Plan to add a new use; and, add square footage to the Site Plan.

Title: a Requested Use application of Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman by RKB Architects Planners Inc., Agent. Request: to allow a Type I Restaurant.

General Location: Northeast corner of Southwest 18th Street and Powerline Road. **(Wharfside at Boca Pointe)** (Control 1973-00085)

Pages 87 - 126

Conditions of Approval Pages (94 - 96)

Project Manager: Carol Glasser

Size: 10.03 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; and, 12 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in height and sign face area for a Freestanding Sign; a decrease in the number of queuing spaces and parking spaces; and, a reduction in width of landscape islands subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

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

6. **ZV-2013-01859** Title: a Type II Variance application of Horizon 880 LLC by Land Design South Inc., Agent. Request: to allow a reduction in number of parking spaces; an elimination of a portion of the Right-of-Way Landscape Buffer along the west property line; an elimination of Compatibility Landscape Buffers along the north and east property lines; a reduction in the required number of shrub layers within the Right-of-Way Landscape Buffers along the south and portion of the west property lines; and, an elimination of the required interior trees and shrubs.

General Location: On the north side of County Road 880, approximately 7.1 miles west of the intersection of County Road 880 and Southern Boulevard. **(Horizon Composting Facility)** (Control 2007-00333)

Pages 127 - 152

Conditions of Approval Pages (136 - 137)

Project Manager: Inna Stafeychuk

Size: 31.60 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance requests to allow a reduction in number of parking spaces; an elimination of a portion of the Right-of-Way Landscape Buffer along the west property line; an elimination of Compatibility Landscape Buffers along the north and east property lines; a reduction in the required number of shrub layers within the Right-of-Way Landscape Buffers along the south and portion of the west property lines; and, an elimination of the required interior trees and shrubs, subject to the Conditions of Approval as indicated in Exhibit C.

7. **ABN-2013-01699** Title: a Development Order Amendment application of Lois Realty Corp, Bernstein Glades Associates by Urban Design Kilday Studios, Agent. Request: to abandon the Special Exception granted under Control Number 1981-182, Resolution R-1981-1620 to allow a Broadcasting Studio and Resolution R-1981-1598 to allow for a Private Utility Service including accessory buildings and structures.

General Location: North side of Glades Road, approximately 1,000 feet west of Lyons Road. **(West Boca Cablevision)** (Control 1981-00182)

Pages 153 - 168

Project Manager: David McGuire

Size: 2.05 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution R-1981-1620 and Resolution R-1981-1598.

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**

8. **ZV/PDD/DOA-2013-01618** Title: a Type II Variance application of Lois Realty Corp, Cable Holdco Exchange li LLC by Gunster Yoakley & Stewart PA, Urban Design Kilday Studios, Agent. Request: to allow overlap of utility easements and to allow a reduction of the required right-of-way buffer
Title: an Official Zoning Map Amendment to a Planned Development District application of Lois Realty Corp, Cable Holdco Exchange li LLC by Gunster Yoakley & Stewart PA, Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Specialized Commercial (CS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
Title: a Development Order Amendment application of Lois Realty Corp, Cable Holdco Exchange li LLC by Gunster Yoakley & Stewart PA, Urban Design Kilday Studios, Agent. Request: to add land area, reconfigure the site plan, add square footage, and allow an alternative Type III incompatibility landscape buffer
General Location: North side of Glades Road approximatley 1,000 feet west of Lyons Road (**Bernstein MUPD**) (Control 1985-00095)

Pages 169 - 208

Conditions of Approval Pages (178 - 187)

Project Manager: David McGuire

Size: 8.20 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the Type II Variance and recommends of approval of an Official Zoning Map Amendment and approval of a Development Order Amendment subject to 48 Condition of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution denying a Type II Variance to allow 100 percent overlap of utility easement and to allow a reduction in the required right-of-way buffer.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Specialized Commercial (CS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

MOTION: To recommend approval of a Devolvement Order Amendment to add land area, reconfigure the site plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

- 9. **ZV-2012-03380** Title: a Type II Variance application of AMKBJ Partners Ltd, Agriculture Property Inc by Land Research Management Inc., Agent. Request: to allow the elimination of the perimeter landscape buffers along the western portion of the north and south property lines and the entire west property line.

General Location: 1/4 mile north of the Northwest corner of Boynton Beach Boulevard and State Road 7/US 441 on the west side of SR 7/US 441 (**Atlas Peat and Soil**) (Control 1979-00120)

Pages 209 - 232

Conditions of Approval Pages (214 - 214)

Project Manager: Donna Adelsperger

Size: 62.80 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a Type II Variance to allow the elimination of the perimeter landscape buffers along the western portion of the north and south property lines and the entire west property line.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

COMMENTS

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

ADJOURNMENT