



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

THURSDAY JUNE 1, 2017

9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N Jog Rd, West Palm Beach, 33411**

CALL TO ORDER

- A. Roll Call
 - Commissioner Sheri Scarborough, Chair Present
 - Commissioner Sam Caliendo, Vice Chair Present
 - Commissioner Mark Beatty Present
 - Commissioner Amir Kanel Present
 - Commissioner Joseph Snider Present
 - Commissioner Barbara Katz Absent
 - Commissioner Carmine Priore Present
 - Commissioner Alex Brumfield III Absent
 - Commissioner Robert Currie Present
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication – Motion to receive and file
Moved by Caliendo seconded by Beatty
- F. Adoption of the Minutes – Motion to carried
Moved by Caliendo seconded by Priore
- G. Swearing In
- H. Disclosures

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
11	None	Absent	None	8, 11	11	Absent	11	None

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

JUNE 1, 2017

CALL TO ORDER

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, and Pledge of Allegiance
- 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 Rd, West Palm Beach, 33411, 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 takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on accepting, rejecting, or modifying the recommendations of staff regarding other requests. The Board of County Commissioners of Palm Beach County will conduct a public hearing in the 6th Floor, Jane Thompson Memorial Chambers, 301 N Olive Ave, West Palm Beach, 33401, at 9:30 A.M. on Thursday, June 22, 2017 to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional Uses, Requested Uses, Planned Developments, Development Order Amendments, Waiver Requests and Administrative Inquiries.

- D. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Chair, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

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.

- E. Proof of Publication - Motion to receive and file.
- F. Adoption of the Minutes
- G. Swearing In - County Attorney
- H. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **ZV-2017-00348** Title: a Type II Variance application of St Andrews Country Club Inc by Cotleur & Hearing Inc., Agent. Request: to allow an increase in height for a golf course net adjacent to Residential.

General Location: Northeast corner of Florida's Turnpike and Clint Moore Road. **(St Andrew's Country Club PUD)** (Control 1980-00073)

Pages 1 - 2

Project Manager: Donna Adelsperger

Size: 759.17 acres ±

BCC District: 5

(affected area 63.78 acres ±)

Staff Recommendation: Staff recommends a postponement to Thursday, July 6, 2017.

MOTION: To postpone to Thursday, July 6, 2017.

Motion carried 6-0-1

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Abstain
			Moved		Seconded			

Decision: Postponed to July 6, 2017 by a vote of 6-0-1

2. **DOA/W-2016-02025** Title: a Development Order Amendment application of Boca Raton Associates VII LLLP, Mcgrath Farms Inc, Pontano Family Farms LLC, Boynton Beach Associates XXIV LLLP, 87th Place South LLC, South Fla Water Mgmt Dist by G.L. Homes, Agent. Request: to reconfigure the Master Plan; add and delete land area; delete units; amend the Conservation Easement; and, modify Conditions of Approval (Engineering and Planning).

Title: a Type II Waiver application of Boca Raton Associates VII LLLP, Mcgrath Farms Inc, Pontano Family Farms LLC, Boynton Beach Associates XXIV LLLP, 87th Place South LLC, South Fla Water Mgmt Dist by G.L. Homes, Agent. Request: to allow 65 percent of the local streets to terminate in a Cul-de-sac.

General Location: On the west side of Lyons Road approximately one mile south of Atlantic Avenue. **(Hyder AGR-PUD)** (Control 2005-00455)

Pages 3 - 3

Project Manager: Roger Ramdeen

Size: 1,836.80 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends a postponement to Thursday, July 6, 2017.

MOTION: To postpone to Thursday, July 6, 2017.

Motion carried -7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
			Moved				Seconded	

Decision: Postponed to July 6, 2017 by a vote of 7-0-0

3. **PDD/DOA/W/CA-2016-02029** Title: an Official Zoning Map Amendment to a Planned Development District application of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from Agricultural Reserve (AGR) and Planned Unit Development (PUD) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment application of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to reconfigure the Master Plan; add and delete land area; increase the number of units; amend the Conservation Easement; modify Conditions of Approval (Engineering, Palm Tran and Planning); and, restart the commencement of development .

Title: a Type II Waiver application of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow 46 percent of the local streets to terminate in a Cul-de-sac.

Title: a Class A Conditional Use application of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a Golf Course.

General Location: On the east of Lyons Road approximately one mile south of Atlantic Avenue. **(Bridges-Mizner AGR-PUD)** (Control 2004-00250)

Pages 4 - 4

Project Manager: Yoan Machado

Size: 2,323.20 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends postponement to Thursday, July 6, 2017.

MOTION: To postpone to Thursday, July 6, 2017.

Motion carried 7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
			Moved		Seconded			

Decision: Postponed to July 6, 2017 by a vote of 7-0-0

B. REMANDS

C. WITHDRAWALS

4. **ZV/PDD/W-2015-01457** Title: a Type II Variance application of Palm Beach West Associates I LLLP by Urban Design Kilday Studios, Agent. Request: to eliminate a Type II Incompatibility Buffer.

Title: an Official Zoning Map Amendment to a Planned Development District application of Palm Beach West Associates I LLLP by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Production (AP) and Agriculture Residential (AR) Zoning Districts to the Western Communities Residential Planned Unit Development (WCR PUD) Zoning District.

Title: a Type II Waiver application of Palm Beach West Associates I LLLP by Urban Design Kilday Studios, Agent. Request: to allow 50 percent of the local streets within the overall PUD to terminate in a Cul-de-sac.

General Location: South of Hamlin Boulevard on the west side of 180th Avenue North and west of 180th Avenue North on the south side of 60th Street North. **(Indian Trails Grove)** (Control 2002-90045)

Pages 5 - 5

Project Manager: Roger Ramdeen

Size: 4,871.57 acres ±

BCC District: 1,6

Staff Recommendation: Not applicable. Agent has requested withdrawal of application.

MOTION: None required. Agent has requested withdrawal of application.

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 5. **ABN/DOA-2016-01638** Title: a Development Order Abandonment application of Lantana Charter LLC by iPlan and Design LLC, Agent. Request: to abandon a Place of Worship. Title: a Development Order Amendment application of Lantana Charter LLC by iPlan and Design LLC, Agent. Request: to reconfigure the Master Plan and Site Plan; modify square footage (Charter School); amend Conditions of Approval (Engineering and Use Limitations); and, to modify uses.

General Location: Approximately 0.45 miles east of the Lyons Road and on the south side of Lantana Road. **(Palm Beach School for Autism)** (Control 1981-00233)

Pages 6 - 39

Conditions of Approval Pages (13 - 18) Project

Manager: Carrie Rechenmacher

Size: 270.86 acres ±

BCC District: 3

(affected area 5.10 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 26 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Brian Cheguis, Agent – In agreement with Conditions of Approval.

MOTION: To recommend approval of a Development Order Abandonment to abandon a Place of Worship.

Motion carried 7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
	Seconded						Moved	

Decision: Recommended Approval of a Development Order Abandonment by a vote of 7-0-0

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan and Site Plan; modify square footage (Charter School); amend Conditions of Approval (Engineering and Use Limitations) and to modify uses subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
			Seconded				Moved	

Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0

D. ZONING APPLICATIONS - NEW

6. **CA-2016-01226** Title: a Class A Conditional Use application of Royal Palm Investments & Finance LLC by Frogner Consulting Inc., Agent. Request: to allow a Pawn Shop.
General Location: Southwest corner of Sandalfoot Boulevard and SW 66th Avenue.
(Boca Pawn & Jewelry) (Control 2010-00502)

Pages 40 - 53

Conditions of Approval Pages (45 - 45)

Project Manager: Josue Leger

Size: 0.79 acres ±

BCC District: 5

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

People who spoke on this application

Jim Frogner, Agent – In agreement with Conditions of Approval.

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.

Motion carried 7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
			Moved		Seconded			

Decision: Recommended Approval of a Class A Conditional Use by a vote of 7-0-0

7. **ZV-2017-00575** Title: a Type II Variance application of Palm Beach County Tax Collector, Lake Worth Drainage District by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the width of an Incompatibility buffer and elimination of the required shrubs within the buffer.
General Location: Northwest corner of Military Trail and Landar Drive. **(Central Palm Beach Service Center)** (Control 1977-00190)

Pages 54 - 76

Conditions of Approval Pages (59 - 60)

Project Manager: Donna Adelsperger

Size: 4.72 acres ±

BCC District: 2,3

(affected area 1.43 acres ±)

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

People who spoke on this application

Collene Walters, Agent – In agreement with conditions of approval

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the width of an Incompatibility buffer and elimination of the required shrubs within the buffer subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-0-1

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Abstain	Yes
			Seconded		Moved			

Decision: Approved a Type II Variance (with conditions) by a vote of 6-0-1

- 8. **DOA/R-2016-01836** Title: a Development Order Amendment application of Concierge Development 2 LLC by Wantman Group Inc., Agent. Request: to reconfigure the Site Plan, to delete square footage and modify uses. Title: a Requested Use application of Concierge Development 2 LLC by Wantman Group Inc., Agent. Request: to allow a Type I Restaurant with a Drive-through.

General Location: Approximately 330 feet west of Seacrest Boulevard and Hypoluxo Road. **(Checkers at Sam's Wholesale Club Plaza)** (Control 1975-00069)

Pages 77 - 107

Conditions of Approval Pages (83 - 90) Project Manager: Yoan Machado

Size: 20.61 acres ±

BCC District: 7

(affected area 0.66 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 46 Conditions of Approval as indicated in C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Lindsay Libes, Agent – In agreement with Conditions of Approval except Engineering condition which she is working with the planner to correct.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, to delete square footage and modify uses subject to the Conditions of Approval as indicated in C-1.

Motion carried 6-0-1

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Abstain	Yes
			Seconded		Moved			

Decision: Recommended Approval of a Development Order Amendment by a vote of 6-0-1

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant with a Drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0-1

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Abstain	Yes
			Seconded		Moved			

Decision: Recommended Approval of a Requested Use by a vote of 6-0-1

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

- 9. **ABN-2017-00364** Title: a Development Order Abandonment application of Tidal Wave Management Corp Inc by Urban Design Kilday Studios, Agent. Request: to allow a Legislative Abandonment of Resolution ZR-2010-022 which allowed Chipping and Mulching.

General Location: Southwest corner of Tall Pines Road and the LWDD L-4 Canal. **(Tidal Wave Industrial - North)** (Control 2009-02435)

Pages 108 - 110

Project Manager: Donna Adelsperger

Size: 18.54 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Development Order Abandonment to allow a Legislative Abandonment of Resolution ZR-2010-022 which allowed Chipping and Mulching.

Motion carried 7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
Seconded					Moved			

Decision: Approved a Development Order Abandonment by a vote of 7-0-0

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

- 10. **ZV/ABN/DOA/R-2016-01229** Title: a Type II Variance application of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to allow a reduction in the Right of Way Buffer width; and to allow the Loading Space not to be located adjacent to the building. Title: Development Order Abandonment application of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to abandon a Special Exception for an Auto Service Station. Title: a Development Order Amendment application of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to reconfigure the Site Plan, delete square footage, modify uses and Conditions of Approval. Title: a Requested Use. application of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to allow Retail Gas and Fuel. General Location: Northwest corner of Military Trail and Boynton West Road. **(7-Eleven Inc. at Boynton West Shopping Center)** (Control 1972-00051)

Pages 111 - 163

Conditions of Approval Pages (122 - 128)

Project Manager: Carolina Valera

Size: 17.84 acres ±

BCC District: 5

(affected area 1.24 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance to allow a reduction in the Right of Way Buffer width, subject to the Conditions of Approval as indicated in Exhibit C-1.

Staff recommends denial of the Type II Variance to allow a Loading Space not to be located adjacent to the building.

Staff recommends approval of the Development Order Abandonment.

Staff recommends denial of the Development Order Amendment to reconfigure the Site Plan, delete square footage, modify uses and Conditions of Approval.

Staff recommends denial of the Requested Use for Retail Gas and Fuel.

People who spoke on this application

Carolina Valera, Senior Site Planner – Gave a brief presentation.
 Brian Seymour, Agent – Gave a brief presentation
 Josh Long, Agent – Gave a brief presentation
 Bill Paxton, Agent – Gave a brief presentation

David Green of the public, had concerns about the excessive number of pumps and hour of operation. Rob Feiner, an attorney spoke in opposition of the application and requested a postponement.

After discussion with between the Zoning Commissioners, Planner and Agent it was agreed to postpone this application.

Motion made by Commissioner Caliendo and seconded by Commissioner Kanel to postpone application.

Motion carries 7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
Seconded			Moved					

Decision: To postpone to July 6, 2017 by a vote of 7-0-0

- 11. **ZV-2016-02213** Title: a Type II Variance. application of Brightwork Acquisitions LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a reduction in the lot size, lot width, lot frontage, Right-of-Way landscape buffer width, queuing space dimensions, foundation planting dimensions; and, to allow 24-hours of operation within 250 feet of a residential district.

General Location: Southeast corner of Okeechobee Boulevard and Haverhill Road. **(Wawa HO 1193)** (Control 1978- 00288)

Pages 164 - 205

Conditions of Approval Pages (171 - 173)

Project Manager: Carolina Valera

Size:2.48 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of a Type II Variance, V1 through V4, to allow a reduction in the lot size, lot width, lot frontage, Right-of-Way landscape buffer width; and, foundation planting dimensions subject to the Conditions of Approval as indicated in Exhibit C-1.

Staff recommends denial of a Type II Variance, V5 and V6, to allow a reduction in the queuing space dimensions and to allow 24-hours of operation within 250 feet of a residential district.

People who spoke on this application

Carolina Valera, Senior Site Planner – Gave a brief presentation.
 Bonnie Miskel, Agent – Gave a brief presentation.

MOTION: To adopt a resolution approving a Type II Variance, V1 through V4, to allow a reduction in the lot size, lot width, lot frontage, Right-of-Way landscape buffer width; and, foundation planting dimensions subject to the Conditions of Approval as indicted in Exhibit C-1 as amended.

Motion carried 7-0-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
			Moved		Seconded			

Decision: Approved a Type II Variance (with conditions) by a vote of 7-0-0

To allow 24-hours of operation within 250 feet of a residential district.

Motion carried 4-3-0

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Nay	Nay	Absent	Yes	Yes	Yes	Absent	Nay	Yes
			Moved		Seconded			

Decision: Approved a Type II Variance (with conditions) by a vote of 4-3-0

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT 10:55 AM