

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) Zoning District to the General Commercial (CG) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-3.

REGULAR AGENDA

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

10. (224-246) ZV-2017-0352 Chevra Kadisha Cemetery A
(1979-00132)

ADD Site Design Condition 1 to Exhibit C to read as follows:

1. Prior to Final Plan approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to indicate the location of the curbing consistent with Figure 6 (Proposed Curbing) prepared by Miller Land Planning, Inc., dated July 20, 2017.

11. (247-269) ZV-2017-1039 Chevra Kadisha Cemetery B
(1979-00132)

ADD Site Design Condition 1 to Exhibit C to read as follows:

1. Prior to Final Plan approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to indicate the location of the curbing consistent with Figure 6 (Proposed Curbing) prepared by Miller Land Planning, Inc., dated July 20, 2017.



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

THURSDAY AUGUST 3, 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
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication
- F. Adoption of the Minutes
- G. Swearing In
- H. 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

AUGUST 3, 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, August 24, 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

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

1. [ABN/DOA-2015-02519](#) Title: a Development Order Abandonment application of CVS 4785 FL LLC, Taz Inc - Hardial Sibia by Hardial Sibia, Agent. Request: to abandon a Financial Institution.

Title: a Development Order Amendment application of CVS 4785 FL LLC, Taz Inc - Hardial Sibia by Hardial Sibia, Agent. Request: to reconfigure the site plan, add square footage, and amend Conditions of Approval (Building and Site Design, Landscape, Signs, Use Limitations).

General Location: On the southeast corner of Coconut Lane and Military Trail. (**Coconut Plaza**) (Control 1999-00036)

Pages 1 - 31

Conditions of Approval Pages (7 - 18)

Project Manager: Carrie Rechenmacher

Size: 3.99 acres ±

BCC District: 4

(affected area 1.81 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 56 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment to abandon a Financial Institution.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, and amend Conditions of Approval (Building and Site Design, Landscape, Signs, Use Limitations) subject to the Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

2. [ABN/Z-2016-02218](#) Title: a Development Order Abandonment application of Boca Rio Golf Club Inc by Cotleur & Hearing Inc., Agent. Request: to abandon the Special Exception for a Private Recreation Facility, including a Golf Course and Country Club.
Title: an Official Zoning Map Amendment application of Boca Rio Golf Club Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Recreation (CRE) Zoning District.
General Location: Southwest corner of Palmetto Park Road and Boca Rio Road. **(Boca Rio Golf Club)** (Control 1985-00172)

Pages 32 - 46

Conditions of Approval Pages (36 - 36)

Project Manager: Meredith Leigh

Size: 203.62 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exception for a Private Recreation Facility, including a Golf Course and Country Club.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Recreation (CRE) Zoning District subject to Conditions of Approval as indicated in Exhibit C.

3. [Z-2017-00823](#) Title: an Official Zoning Map Amendment application of Belvedere Westgate, Palm Beach County by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Public Ownership (PO) Zoning District.

General Location: Southwest and southeast corners of Chickamauga Avenue and Seminole Boulevard. **(Dennis P. Koehler and Babbling Brook)** (Control 2016-00109)

Pages 47 - 59

Conditions of Approval Pages (51 - 52)

Project Manager: Lorraine Fuster

Size: 8.42 acres ±

BCC District: 7

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) Zoning District to the Public Ownership (PO) Zoning District subject the Conditions of Approval as indicated in Exhibit C.

4. [ZV/CB-2016-01642](#) Title: a Type II Variance application of Jaha Boca LLC by Jon E Schmidt & Associates, Agent. Request: to allow a reduction in the minimum building frontage; an increase in the setback from the build to line; and, a reduction of the minimum lot depth.

Title: a Class B Conditional Use application of Jaha Boca LLC by Jon E Schmidt & Associates, Agent. Request: to allow two Type I Restaurants with Drive-throughs.

General Location: South side of Okeechobee Boulevard, approximately 365 feet east of Congress Avenue. **(KFC / Jack's Restaurant)** (Control 1996-00026)

Pages 60 - 98

Conditions of Approval Pages (70 - 74)

Project Manager: Meredith Leigh

Size: 1.20 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 6 Conditions of Approval as indicated in Exhibit C-1; 13 Conditions of Approval as indicated in Exhibit C-2; and 14 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the minimum building frontage; an increase in the setback from the build to line; and, a reduction of the minimum lot depth subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a Type I Restaurant with Drive-through (Building A) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a Type I Restaurant with Drive-through (Building B) subject to the Conditions of Approval as indicated in Exhibit C-3.

5. [DOA-2016-01643](#) Title: a Development Order Amendment application of Ronald Kendall, Ron Kendall by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Phasing and Site Plan; delete square footage; relocate an access point; add an access point; modify Conditions of Approval (Architecture, Engineering) and to modify the Commencement of Development.

General Location: Northwest corner of Benoist Farms Road and Wallis Road, approximately 430 feet north of Southern Boulevard (SR-80). **(Kendall Industrial)** (Control 1975-00060)

Pages 99 - 133

Conditions of Approval Pages (108 - 115)

Project Manager: Josue Leger

Size: 11.13 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 23 Conditions of Approval as indicated in Exhibit C-1; and 5 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Phasing and Site Plan; delete square footage; relocate an access point; add an access point; modify Conditions of Approval (Architecture, Engineering) and to modify the Commencement of Development subject to Conditions of Approval as indicated in Exhibit C-1.

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

6. [DOA-2017-00558](#) Title: a Development Order Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to amend a Condition of Approval (Use Limitations).

General Location: On the west side of Cleary Road approximately 1,500 feet south of Belvedere Road (**MPC III Turnpike Business Park**) (Control 2002-00011)

Pages 134 - 156

Conditions of Approval Pages (140 - 146)

Project Manager: Diego Penalosa

Size: 33.89 acres ±

BCC District: 2

Staff Recommendation: Staff recommends the approval of the request subject to 33 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of the Development Order Amendment to amend a Condition of Approval (Use Limitations) subject to the Conditions of Approval as indicated in Exhibit C.

7. [SV/ZV/Z-2016-01412](#) Title: a Subdivision Variance application of Belvedere Westgate, Mickey Fernandez by Land Research Management Inc., Agent. Request: to allow primary access from a 40-foot Right-of-Way (Cherokee Road).

Title: a Type II Variance application of Belvedere Westgate, Mickey Fernandez by Land Research Management Inc., Agent. Request: to reduce the lot frontage, lot size, and the setback for a dumpster adjacent to residential districts and uses.

Title: an Official Zoning Map Amendment application of Belvedere Westgate, Mickey Fernandez by Land Research Management Inc., Agent. Request: to allow a rezoning from the Residential High Density (RH) Zoning District to the General Commercial (CG) Zoning District.

General Location: North side of Westgate Avenue, east of Seminole Drive. (**Mi Pais Express**) (Control 2016-00102)

Pages 157 - 189

Conditions of Approval Pages (166 - 169)

Project Manager: Diego Penalosa

Size: 0.40 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1; 9 Conditions of Approval as indicated in Exhibit C-2; and 5 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Subdivision Variance to allow primary access from a 40-foot Right-of-Way (Cherokee Road) subject to the Condition of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving Type II Variances to reduce the lot frontage, lot size, and the setback for a dumpster adjacent to residential districts and uses subject to the 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 Residential High Density (RH) Zoning District to the General Commercial (CG) Zoning District subject to the Conditional Overlay Zone Conditions indicated in Exhibit C-3.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

8. [SV-2017-00838](#) Title: a Subdivision Variance application of Mohammad Mirzadeh by Miller Land Planning, Agent. Request: to allow a variance from the requirement that access shall be by a street of suitable design and construction standards as established by the subdivision regulations.

General Location: Approximately 0.37 miles west of Congress Avenue on the west side of Serafica Drive. **(Serafica Apartments)** (Control 2005-00152)

Pages 190 - 206

Conditions of Approval Pages (194 - 194)

Project Manager: Joanne Keller

Size: 0.93 acres ±

BCC District: 3

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

MOTION: To adopt a resolution approving a Subdivision Variance to allow a variance from the requirement that access shall be by a street of suitable design and construction standards as established by the subdivision regulations subject to the Conditions of Approval as indicated in Exhibit C.

9. [SV-2017-00837](#) Title: a Subdivision Variance application of M For Sun Inc by Miller Land Planning, Agent. Request: to allow a variance from the requirement that access shall be by a street of suitable design and construction standards as established by the subdivision regulations.

General Location: Approximately 700 feet south of Lake Worth Road on the west side of Herbertz Road. **(Herbertz Rd Apartments)** (Control 2003-00083)

Pages 207 - 223

Conditions of Approval Pages (211 - 211)

Project Manager: Joanne Keller

Size: 1.21 acres ±

BCC District: 3

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

MOTION: To adopt a resolution approving a Subdivision Variance to allow a variance from the requirement that access shall be by a street of suitable design and construction standards as established by the subdivision regulations subject to the Conditions of Approval as indicated in Exhibit C.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

10. [ZV-2017-00352](#) Title: a Type II Variance application of Congregation Chevra Kadisha Inc by Miller Land Planning, Agent. Request: to eliminate a Right of Way Buffer; reduce the width and the number of trees and shrubs for a Compatibility Buffer; reduce the number of interior trees; and, eliminate curbing adjacent to landscape and vehicular use areas adjacent to the access easement.

General Location: Southwest corner of Congress Avenue and Lantana Road. **(Chevra Kadisha Cemetery A)** (Control 1979-00132)

Pages 224 - 246

Conditions of Approval Pages (231 - 231)

Project Manager: Yoan Machado

Size: 14.66 acres ±

BCC District: 3

(affected area 6.35 acres ±)

MOTION: To adopt a resolution approving a Type II Variance to eliminate a Right of Way Buffer; reduce the width and the number of trees and shrubs for a Compatibility Buffer; and, reduce the number of interior trees; and, to eliminate curbing adjacent to landscape and vehicular use areas adjacent to the access easement subject to the Conditions of Approval as indicated in Exhibit C.

11. [ZV-2017-01039](#) Title: a Type II Variance application of Congregation Chevra Kadisha Inc by Miller Land Planning, Agent. Request: to eliminate a Right of Way Buffer; reduce the width and the number of trees and shrubs for a Compatibility Buffer; reduce the number of interior trees; and, eliminate curbing adjacent to landscape and vehicular use areas adjacent to the access easement.

General Location: Southwest corner of Congress Avenue and Lantana Road. **(Chevra Kadisha Cemetery B)** (Control 1979-00132)

Pages 247 - 269

Conditions of Approval Pages (254 - 254)

Project Manager: Yoan Machado

Size: 7.70 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 8 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to eliminate a Right of Way Buffer; reduce the width and the number of trees and shrubs for a Compatibility Buffer; and, reduce the number of interior trees; and eliminate curbing adjacent to landscape and vehicular use areas adjacent to the access easement subject to the Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

- 12. [DOA-2017-00573](#) Title: a Development Order Amendment application of Marina Lakes Golf LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master Plan to re-designate golf course to residential; add units; modify Conditions of Approval (Architectural Review, Engineering, Landscaping, and Signs); and, to modify the Commencement of Development.

General Location: North of Atlantic Avenue between Hagen Ranch Road and Jog Road. **(Avalon Trails at Villages of Oriole PUD)** (Control 1981-00139)

Pages 270 - 396

Conditions of Approval Pages (284 - 290)

Project Manager: Meredith Leigh

Size: 448.13 acres ±

BCC District: 5

(affected area 107.55 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 35 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval for the Development Order Amendment to reconfigure the Master Plan to re-designate golf course to residential; add units; modify Conditions of Approval (Architectural Review, Engineering, Landscaping, and Signs); and, modify the Commencement of Development subject to the Conditions of Approval as indicated in Exhibit C.

- 13. [ZV-2017-00566](#) Title: a Type II Variance application of Wynn and Sons Environmental Construction by Jon E Schmidt & Associates, Agent. Request: to allow a reduction in the rear setback.

General Location: On the south side of Belvedere Road, approximately 1,600 feet (0.3 miles) east of Pike Road. **(Wynn and Sons Environmental)** (Control 1995-00102)

Pages 397 - 424

Conditions of Approval Pages (402 - 403)

Project Manager: Donna Adelsperger

Size: 3.86 acres ±

BCC District: 2

Staff Recommendation: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a Type II Variance to allow a reduction in the rear setback.

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

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