

with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey.

The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up.

The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: MONITORING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2016-2, Control No.2014-00206, which currently states:

Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

Is hereby amended to read:

Prior to January 31, 2019, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING - Engineering)

AMEND Site Design Condition 2 to read as follows:

2. Individual kitchen facilities in ~~the living sleeping areas~~ or in individual quarters (bedrooms) are prohibited. (ONGOING: ZONING – Zoning)

4. (97-118) CB/CA/TDR-2017-01727 Herbertz Apartments
(2003-00083)

ADD Landscape Preservation of Vegetation Conditions 1 through 4 to Exhibits C-1 and C-2 to read as follows:

LANDSCAPE - PRESERVATION OF VEGETATION

1. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit with a Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a) the temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;
- c) a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and,
- d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO/ONGOING: ZONING - Zoning)

2. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. include the approved DRO plan(s) with the approved Disposition Chart with the barricade permit application;
- c. complete the installation of all vegetation protection barricades and tagging; and,
- d. schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity. (BLDGPM/ONGOING: ZONING - Zoning)

3. No vegetation shall be removed or relocated and no Building Permit(s) shall be issued until Landscape Conditions 1 and 2 are satisfied. (ONGOING: ZONING Zoning)

4. Failure to comply with the Landscape Preservation of Vegetation, conditions 1 thru 3 may result in a Stop Work Order being placed on the site and applicable fines assessed. (ONGOING: ZONING Zoning)

ADD Environmental Conditions 1 through 3 to Exhibits C-1 and C-2 to read as follows

1. Prior to Final Plan approval by Development Review Officer, the Property Owner shall submit an application for the Preservation of Vegetation to the Department of Environmental Resource Management (ERM). (DRO: ERM - ERM)

2. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit (select one or more: Site Plan, Subdivision Plan, Landscaping or Alternative Landscape Plan) with a Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

a) the temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;

b) the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;

c) a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and,

d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO: ERM - ERM)

3. No vegetation shall be removed or relocated and no Preservation of Vegetation permit; as per Article 14, shall be issued until ERM conditions 1 and 2 are satisfied. (ONGOING: ERM – ERM)

5. (119-137) CA/TDR-2017-01728 Serafica Apartments
(2005-00152)

Delete Architectural Review Condition 2 of Exhibit C-1.

COMMENTS

E. COMMISSIONERS

8. Commission Membership and Terms of Office

All Commissioners 2018 reappointments have been approved by BCC with the exception of Commissioner Beatty and Currie which are scheduled for the February 6, 2018 Board of County Commissioner Hearing.



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

THURSDAY FEBRUARY 1, 2018

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

FEBRUARY 1, 2018

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, February 22, 2018 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

D. ZONING APPLICATIONS - NEW

1. [DOA-2017-01013](#) Title: a Development Order Amendment application of Gary Weston by iPlan and Design LLC, Agent. Request: to reconfigure the Site Plan; add/delete square footage; to modify uses; and, add/delete Conditions of Approval (All Petition).
General Location: Southeast corner of Jog Road and Atlantic Avenue. **(Atlantic Square Car Wash)** (Control 1981-00109)

Pages 1 - 31

Conditions of Approval Pages (7 - 17)

Project Manager: Carlos Torres

Size: 18.91 acres ±

BCC District: 5

(affected area 0.18 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 65 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add/delete square footage; to modify uses; and, add/delete Conditions of Approval (All Petition) subject to the Conditions of Approval as indicated in Exhibit C.

2. [SV/ZV/DOA/CA-2017-01998](#) Title: a Subdivision Variance application of KBHS REO LLC by Urban Design Kilday Studios, Agent. Request: to allow a reduction of the minimum street size for a local commercial use.

Title: a Type II Variance application of KBHS REO LLC by Urban Design Kilday Studios, Agent. Request: to allow for vehicular backing into the right of way; eliminate a 15-foot ROW buffer; and a reduction in side setback.

Title: a Development Order Amendment application of KBHS REO LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan; add land area; add residents and beds; and, add square footage.

General Location: The site is located south of Northlake Boulevard, approximately one-third of a mile east of I-95 and on the west side of Lyndall Lane. **(Sunspire Health Type 3 CLF)** (Control 2014-00206)

Pages 32 - 75

Conditions of Approval Pages (41 - 45)

Project Manager: Donna Adelsperger

Size: 1.32 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C-1; 8 Conditions of Approval as indicated in Exhibit C-2; and, 15 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Subdivision Variance to allow for a reduction of the minimum street size for a local commercial use subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Type 2 Variance to allow for vehicular backing into the right of way; eliminate a 15 foot Right-of-Way buffer; and a reduction in side setback subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add land area; add units/beds; and, add square footage subject to the Conditions of Approval as indicated in Exhibit C-3.

3. [ZV/W-2017-01636](#) Title: a Type II Waiver application of Sac Military LLC, Little Angels Daycare by Schmidt Nichols, Agent. Request: to allow the building to be oriented with the shortest length facing the front of the property; to allow the existing structure not be located at the corner meeting the build-to lines; to eliminate the building frontage on a Primary Street; to increase the setback from the build-to line; to allow the front entrance not face a street, courtyard, plaza or usable open space fronting a street; to reduce the percentage of transparent windows along a perimeter facade; to eliminate the Pedestrian Circulation Zone; to eliminate the Planting/Amenity Zone; and, to eliminate the requirement for civic and usable open space.

General Location: Northwest corner of Summit Boulevard and Military Trail. **(Little Angels Daycare)** (Control 1999-00013)

Pages 76 - 96

Conditions of Approval Pages (81 - 81)

Project Manager: Diego Penalosa

Size: 0.65 acres ±

BCC District: 2

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

MOTION: To recommend a approval of Type II Waivers to allow the building to be oriented with the shortest length facing the front of the property; to allow the existing structure not be located at the corner meeting the build-to lines; to eliminate the building frontage on a Primary Street; to increase the setback from the build-to line; to allow the front entrance not face a street, courtyard, plaza or usable open space fronting a street; to reduce the percentage of transparent windows along a perimeter facade; to eliminate the Pedestrian Circulation Zone; to eliminate the Planting/Amenity Zone; and, to eliminate the requirement for civic and usable open space subject to the Conditions of Approval as indicted in Exhibit C.

4. [CB/CA/TDR-2017-01727](#) Title: a Class B Conditional Use application of M For Sun Inc by Miller Land Planning, Agent. Request: to allow Multifamily units.

Title: a Class A Conditional Use application of M For Sun Inc by Miller Land Planning, Agent. Request: to allow a Transfer of Development Rights (TDR).

Title: a Transfer of Development Rights application of M For Sun Inc by Miller Land Planning, Agent. Request: to designate the site as a receiving area and to allow TDR's of more than two dwelling units per acre (du/ac).

General Location: South of Lake Worth Road on the west side of Herbertz Road. **(Herbertz Apartments)** (Control 2003-00083)

Pages 97 - 118

Conditions of Approval Pages (104 - 108)

Project Manager: Lorraine Fuster

Size: 1.29 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 10 Conditions of Approval as indicated in Exhibit C-1; 10 Conditions of Approval as indicated in Exhibit C-2; and, 7 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow Multifamily units subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights (TDR) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval a the Transfer of Development Rights to designate the site as a receiving area and to allow TDR's of more than two dwelling units per acre (du/ac) subject to the Conditions of Approval as indicated in Exhibit C-3.

5. [CA/TDR-2017-01728](#) Title: a Class A Conditional Use application of Mohammad Mirzadeh by Miller Land Planning, Agent. Request: to allow a Transfer of Development Rights (TDR).

Title: a Transfer of Development Rights application of Mohammad Mirzadeh by Miller Land Planning, Agent. Request: to designate the site as a receiving area and to allow TDR's of more than two dwelling units per acre (du/ac).

General Location: Approximately 1,000 feet south of Melaleuca Lane and Roberts Lane on the west side of Serafica Drive. **(Serafica Apartments)** (Control 2005-00152)

Pages 119 - 137

Conditions of Approval Pages (125 - 127)

Project Manager: Lorraine Fuster

Size: 0.93 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to the 11 Conditions of Approval as indicated in Exhibit C-1, and 7 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval to allow a Transfer of Development Rights (TDR) of more than two dwelling units per acre (du/ac), subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval to designate the site as a receiving area and to allow Transfer of Development Rights (TDR) of more than two dwelling units per acre (du/ac), subject to the Conditions of Approval as indicated in Exhibit C-2.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

REGULAR AGENDA**A. ITEMS PULLED FROM CONSENT****B. STATUS REPORTS****C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

6. [ZV/ABN/DOA/CA-2017-00354](#) Title: Type II Variances application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use; a reduction in the required Right-of-Way (ROW) Landscape Buffer width, and side street setback; and, to eliminate the queuing space for a gasoline pump island.

Title: a Development Order Abandonment application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.

Title: a Development Order Amendment application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to reconfigure the Site Plan; delete square footage, modify uses; and add an access point.

Title: a Class A Conditional Use application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store,

General Location: Southwest corner of Via Flora and West Atlantic Avenue. **(7-Eleven Delray Beach)** (Control 1984-00058)

Pages 138 - 210

Conditions of Approval Pages (150 - 156)

Project Manager: Carrie Rechenmacher

Size: 8.66 acres \pm

BCC District: 5

(affected area 1.06 acres \pm)

Staff Recommendation: Staff recommends approval of the Development Order Abandonment to abandon a resolution approving a Development Order Amendment to reconfigure the Site Plan and add square footage.

Staff recommends denial of the Type II Variance, Development Order Amendment, and Class A Conditional Use.

MOTION: To recommend approval of a Development Order Abandonment to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.

MOTION: To adopt a resolution denying Type II Variances to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use; a reduction in the required Right-of-Way (ROW) Landscape Buffer width, and side street setback; and, to eliminate the queuing space for a gasoline pump island.

MOTION: To recommend denial of a Development Order Amendment to reconfigure the Site Plan; delete square footage, modify uses; add an access point.

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

D. ZONING APPLICATIONS - NEW**E. SUBDIVISION VARIANCE****F. OTHER ITEMS**

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

7. Title: [Voting of Chair and Vice Chair](#)

Pages

MOTION: Voting of Chair and Vice Chair

ADJOURNMENT