



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

**THURSDAY APRIL 5, 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**

Commissioner Mark Beatty, Chair	Present
Commissioner Alex Brumfield III, Vice Chair	<i>Arrived 9:05 am</i>
Commissioner Sam Caliendo	<i>Arrived 9:10 am</i>
Commissioner Sheri Scarborough	Absent
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner Barbara Katz	Present
Commissioner Carmine Priore	Present
Commissioner Robert Currie	Present

**B. Opening Prayer and Pledge of Allegiance**

**C. Remarks of the Chair**

**D. Notice**

**E. Proof of Publication**

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

**F. Adoption of the Minutes**

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

**G. Swearing In**

**H. Disclosures**

Kanel	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
None	None	None	None	Absent	None	None	Abstain #7	



**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**REGULAR AGENDA**

**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.*

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA  
**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**APRIL 5, 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, April 26, 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.



**A. POSTPONEMENTS**

**B. REMANDS**

1. **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 1 - 1

Project Manager: Carrie Rechenmacher

Size: 8.66 acres ±

BCC District: 5

(affected area 1.06 acres ±)

Staff Recommendation: Staff recommends to remand back to the Development Review Officer and resubmit on March 26, 2018.

**MOTION:** To remand back to the Development Review Officer and resubmit on March 26, 2018.

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

**Decision: To remand back to Development Review Officer by a vote of 8-0-0**

6. **ZV/DOA/CA-2017-01594** Title: a Type II Variance application of William and Sons Realty by Dunay Miskel and Backman LLP, Thomas Engineering Group, Agent. Request: to allow a reduction of the setback for freestanding signs, Right-of-Way Buffer width, planting around sign, and divider median width; and, to allow 24-hour operation within 250 feet of residential Future Land Use (FLU) designation or use. Title: a Development Order Amendment application of William and Sons Realty by Dunay Miskel and Backman LLP, Thomas Engineering Group, Agent. Request: to reconfigure the Site Plan; delete square footage; and, to modify Conditions of Approval (Building and Site Design, Landscaping, and Signs). Title: a Class A Conditional Use application of William and Sons Realty by Dunay Miskel and Backman LLP, Thomas Engineering Group, Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.

General Location: Southwest corner of the intersection of Lantana Road and South Military Trail. **(Lantana And Military Wawa)** (Control 1998-00013)

Pages 90 - 141

Conditions of Approval Pages (101 - 111)

Project Manager: Carolina Valera

Size: 7.13 acres ±

BCC District: 3

(affected area 2.13 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 10 Conditions of Approval as indicated in Exhibit C-1, 40 Conditions of Approval as indicated in Exhibit C-2, and 5 Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To Remand back to Development Review Officers for April 9, 2018 resubmittal.

**Motion carried 8-0**

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

**Decision: To remand back to Development Review Officer by a vote of 8-0-0**

**C. WITHDRAWALS**

- ZV-2017-01813** Title: a Type II Variance application of Morgan Property Group, LLC by Dunay Miskel and Backman LLP, Thomas Engineering Group, Agent. Request: to allow 24-hour operation within 250 feet of a Residential Future Land Use (FLU) designation or use.

General Location: Southwest corner of the intersection of Lantana Road and South Military Trail. **(Lantana And Military Wawa)** (Control 1998-00013)

Pages 2 - 3

Project Manager: Carolina Valera

Size: 7.13 acres ±

BCC District: 3

(affected area 2.13 acres ±)

Staff Recommendation: Staff recommends withdrawal of the request.

**MOTION:** To withdraw Application ZV-2017-01813 without prejudice.

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

**Decision: To withdraw application without prejudice by a vote of 8-0-0**

**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**

3. **DOA-2017-02345** Title: a Development Order Amendment application of CHH GD Boca Raton Realty, LLC by Miller Land Planning Inc., Miller Land Planning Inc. Miller Permitting and Land Development LLC, Agent. Request: to modify and delete Conditions of Approval (Landscape).

General Location: Northwest corner of Ponderosa Drive and Cobblestone Way. **(Cobblestone Place CLF (Loggers Run PUD - Tract N))** (Control 1975-00068)

Pages 4 - 25

Conditions of Approval Pages (11 - 14)

Project Manager: Meredith Leigh

Size: 5.99 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 18 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application**

Bradley Miller, Agent – In agreement with conditions of approval as recommended.

**MOTION:** To recommend approval of a Development Order Amendment to modify and delete Conditions of Approval (Landscape), subject to the conditions of approval as indicated in Exhibit C.

**Motion carried 8-0**

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

**Decision: To recommend approval of Development Order Amendment by a vote of 8-0-0**

4. **DOA/CA-2017-01229** Title: a Development Order Amendment application of Gerald Barbarito by Schmidt Nichols, Agent. Request: to modify the Master Plan, to label Tract 26 as a Civic Pod, and add a Use. Title: Class A Conditional Use application of Gerald Barbarito by Schmidt Nichols, Agent. Request: to allow a Private School and General Day Care.

General Location: Southwest corner of Palmetto Circle North and Toledo Road. **(St Jude Catholic Church and School)** (Control 1984-00152)

Pages 26 - 57

Conditions of Approval Pages (33 - 45)

Project Manager: Carlos Torres

Size: 1,945.96 acres ±

BCC District: 4

(affected area 15.00 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 51 Conditions of Approval as indicated in Exhibit C-1, 9 Conditions of Approval as indicated in Exhibit C-2 and 8 Conditions of Approval as indicated in Exhibit C-3.

**People who spoke on this application**

Josh Nichols, Agent – In agreement with conditions of approval as recommended.

**MOTION:** To recommend approval of a Development Order Amendment, to modify the Master Plan to label Tract 26 as a Civic Pod, and add a Use subject to the Conditions of Approval as indicated in Exhibit C-1

**Motion carried 8-0**

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a General Day Care subject to the Conditions of Approval as indicated in Exhibit C-2.

**Motion carried 8-0**

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Private School subject to the Conditions of Approval as indicated in Exhibit C-3.

**Motion carried 8-0**

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

**Decision: To recommend approval for Development Order Amendment and Class A Conditional Use by a vote of 8-0-0**

- 5. **ZV-2017-02373** Title: a Type II Variance application of Grace Immanuel Bible Church Inc by Cotleur & Hearing Inc., Agent. Request: to allow a 100% easement overlap of a Compatibility Buffer.

General Location: Southwest corner of East Indiantown Road and Jonathan Drive.  
**(Grace Immanuel Bible Church)** (Control 1974-00195)

Pages 58 - 89

Conditions of Approval Pages (63 - 64)

Project Manager: Diego Penalosa

Size: 5.29 acres ±

BCC District: 1

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**

Alex Ahrenholz, Agent – In agreement with condition of approvals as advertised.

**MOTION:** To adopt a resolution approving a Type II Variance to allow a 100% easement overlap of a Compatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C

**Motion carried 8-0**

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

**Decision: Approved Type II Variance as advertised by a vote of 8-0-0**

- 7. **DOA-2017-02214** Title: a Development Order Amendment application of Pop Delray Commons Llc, Tuscan Gardens of Delray Beach Managemen by WGINC, Agent. Request: to amend the Master Plan and reconfigure the Site Plan; add beds; modify Conditions of Approval (All Petitions, Architectural Review, Engineering); and, to restart the commencement clock.

General Location: Southwest corner of Sims Road and Forest Lane. **(Tuscan Gardens of Delray Beach)** (Control 2005-00506)

Pages 142 - 164

Conditions of Approval Pages (148 - 153)

Project Manager: Diego Penaloza

Size: 7.57 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 16 Conditions of Approval as indicated in Exhibit C-1, and 14 as indicated in Exhibit C-2

**People who spoke on this application**

Jennifer Vail, Agent – In agreement with conditions of approval as recommended.

**MOTION:** To recommend approval of a Development Order Amendment (PUD) to amend the Master Plan; add beds; modify Conditions of Approval (All Petitions, and Engineering); and, to restart the commencement clock subject to Conditions of Approval as indicated in Exhibit C-1.

**Motion carried 7-0-1**

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



**MOTION:** To recommend approval of a Development Order Amendment (CLF) to reconfigure the Site Plan; add beds; modify Conditions of Approval (All Petitions, Architectural Review); and, to restart the commencement clock, subject to Conditions of Approval as indicated in Exhibit C-2.

**Motion carried 7-0-1**

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

**Decision: To recommend approval of Development Order Amendments by a vote of 7-0-1**

8. **ZV/DOA-2017-02002** Title: a Type 2 Variance application of New Country Motor Cars of Palm Beach LLC by Brandenburg & Associates P.A., Agent. Request: to reduce the Right-of-Way Buffer, Incompatibility Buffer and foundation planting widths; to reduce the number of parking spaces; and, to allow easement overlap within a Right-of-Way Buffer and Incompatibility Buffer.

Title: a Development Order Amendment application of New Country Motor Cars of Palm Beach LLC by Brandenburg & Associates P.A., Agent. Request: to reconfigure the Site Plan and Regulating Plan; to modify the uses; add square footage; restart the commencement clock; and, modify and delete Conditions of Approval (Architectural Review, Landscape, Palm Tran and Use Limitations).

General Location: Approximately 0.1 miles west of Palm Beach Lakes Boulevard on the south side of Okeechobee Boulevard. **(Mercedes)** (Control 1983-00161)

Pages 165 - 210

Conditions of Approval Pages (176 - 191)

Project Manager: Lorraine Fuster

Size: 13.96 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the request subject to 9 Conditions of Approval as indicated in Exhibit C-1 and 83 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application**

Staff clarified that the variance request for parking was to reduce the number by 65 spaces, and that we were working with the agent on Engineering and Landscape Conditions of Approval.

Gary Brandenburg, Agent – In agreement with conditions of approval as advertised.

**MOTION:** To adopt a resolution approving Type II Variances to reduce the Right-of-Way Buffer, Incompatibility Buffer and foundation planting widths; to reduce the number of parking spaces; and, to allow easement overlap within a Right-of-Way Buffer and Incompatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

<b>Motion carried</b>	Snider	Katz	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
			Seconded			Moved		
Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes	Yes

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan and Regulating Plan; to modify the uses; add square footage; restart the commencement clock; and, modify and delete Conditions of Approval (Architectural Review, Landscape, Palm Tran and Use Limitations) subject to the Conditions of Approval as indicated in Exhibit C-2.

**Motion carried 8-0**

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

**Decision: To approval a Type II Variance and recommend approval of a Development Order Amendment by a vote of 8-0-0**

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

- A. ITEMS PULLED FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**
- 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 9:20 AM**

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