



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

THURSDAY MAY 3, 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	Present
Commissioner Sam Caliendo	Present
Commissioner Sheri Scarborough	Arrived 9:19
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner Barbara Katz	Present
Commissioner Carmine Priore	Absent
Commissioner Robert Currie	Absent

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

MAY 3, 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, May 24, 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.

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

F. Adoption of the Minutes

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

G. Swearing In - County Attorney

H. Disclosures

Commissioner Beatty recused himself from voting on 1981-00006 (2017-1815) Bocaire Golf and Country Club as his Architectural business has a contract working with JMorton Planning & Landscape Architecture

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

- 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 1 - 66

Conditions of Approval Pages (12 - 22)

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 11 Conditions of Approval as indicated in Exhibit C-1, 41 Conditions of Approval as indicated in Exhibit C-2, and 5 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application

Beth Schrantz, Agent, agreed that Site Design #1 from C-1 to C-2, and renumber. Agent also requested the ZC to add a third option to Site Design, Condition #3: to shift the proposed divider median east of the Utility Easement to avoid any Utility Easement overlap. ZC included this change in their motion.

MOTION: To adopt a resolution approving a Type II Variance 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, subject to the Conditions of Approval as indicated in Exhibit C-1, as amended.

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; delete square footage; and, to modify Conditions of Approval (Building and Site Design, Landscaping, and Signs), subject to the Conditions of Approval as indicated in Exhibit C-2.

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

MOTION: To recommend approval of a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store, subject to the Conditions of Approval as indicated in Exhibit C-3.

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

D. ZONING APPLICATIONS - NEW

2. **ZV-2017-02234** Title: a Type II Variance application of BW Okeechobee Haverhill II, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow 24-hour operation within 250 feet of a Residential Future Land Use (FLU) designation or use; to allow a reduction in width of foundation planting along both the east and west facades; to eliminate trees in the foundation planting along the west facade; to allow more than a 5-foot overlap of two easements into a landscape buffer.

General Location: Southwest Corner of Okeechobee Boulevard and Haverhill Road. **(Good Samaritan Medical Center)** (Control 1999-10033)

Pages 67 - 97

Conditions of Approval Pages (73 - 74)

Project Manager: Donna Adelsperger

Size: 1.59 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Beth Schrantz, Agent, agrees with Staff recommendation.

MOTION: To adopt a resolution approving Type 2 Variances to allow 24 hour operation within 250 feet of a Residential Future Land Use (FLU) designation or use; to allow a reduction in width of foundation planting along both the east and west facades; to eliminate trees in the foundation planting along the west façade; and to allow more than a 5-foot encroachment of two easements into a landscape buffer, subject to the Conditions of Approval as indicated in Exhibit C.

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

3. **ZV-2017-02005** Title: a Type II Variance application of David Loudenslager by Schmidt Nichols, Agent. Request: to reduce the setback for Outdoor Storage; and eliminate the screening for Outdoor Storage.

General Location: Northwest corner of Jog and Belvedere Road. **(Turnpike Crossing East PIPD)** (Control 2005-00456)

Pages 98 - 120

Conditions of Approval Pages (103 - 103)

Project Manager: Carlos Torres

Size: 67.16 acres ±

BCC District: 2

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

Josh Nichols, Agent, agrees with Staff recommendation

MOTION: To adopt a resolution approving a Type 2 Variance to reduce the setback for Outdoor Storage; and eliminate the screening for Outdoor Storage subject to the Conditions of Approval as indicated in Exhibit C.

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

4. **DOA-2017-01815** Title: a Development Order Amendment application of Bocaire Country Club Inc by JMorton Planning & Landscape Architecture, Agent. Request: to reconfigure the Master Plan, to re-designate Recreation (Golf Course) to Residential; and, modify and delete Conditions of Approval (All Petitions, Health, Planned Development).

General Location: East side of South Military Trail, approximately 0.5 miles north of Clint Moore Road. (**Bocaire Golf and Country Club PUD**) (Control 1981-00006)

Pages 121 - 139

Conditions of Approval Pages (126 - 128)

Project Manager: Meredith Leigh

Size: 299.10 acres ±

BCC District: 4

(affected area 2.40 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 14 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Jennifer Morton, Agent - In agreement with the conditions of approval.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, to re-designate Recreation (Golf Course) to Residential; and, modify and delete Conditions of Approval (All Petitions, Health, Planned Development District) subject to the Conditions of Approval as indicated in Exhibit C.

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

5. **ZV/DOA-2017-02178** Title: a Type II Variance application of Manheim Remarketing Inc., JMC-IV Real Estate Company LLC by Urban Design Kilday Studios, Agent. Request: to eliminate landscape islands and divider medians in the parking lot and automotive storage areas; and, to allow parking spaces beyond the 600 feet of a public entrance of the building which it is intended to serve.

Title: a Development Order Amendment application of Manheim Remarketing Inc., JMC-IV Real Estate Company LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan; and, to modify Conditions of Approval (All Petitions and Engineering).

General Location: Approximately 0.3 miles north of Southern Boulevard on the east side of Sansbury's Way. (**Manheim Auto Auction**) (Control 2005-00641)

Pages 140 - 196

Conditions of Approval Pages (150 - 159)

Project Manager: Lorraine Fuster

Size: 91.59 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C-1 and 32 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Colleen Walter agrees with minor amendment.

MOTION: To adopt a resolution approving a Type II Variance to eliminate landscape islands and divider medians in the parking lot and automotive storage areas; and, to allow parking spaces beyond 600 feet of a public entrance of the building which it is intended to serve, subject to the Conditions of Approval as indicated in Exhibit C-1.

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

MOTION: To recommend approval for a Development Order Amendment to reconfigure the Site Plan; and, to modify Conditions of Approval (All Petitions and Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

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

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**

- 6. Title: Annual Zoning Commission Workshop
Pages

Pages 197 - 200

Staff presented the Annual Workshop to the ZC. The Zoning Director summarized future Urban Redevelopment Area Overlay proposed changes and stated that a future workshop would be scheduled with them.

Staff requested direction from the ZC if they would like to go electronic with receiving Staff Reports. The direction was to remain as is with some receiving it electronically and other paper packets.

Chief Land Use Attorney, Bob Banks, summarized updates on the Sunshine Law and the PBC Code of Ethics/Florida Code of Ethics for Public Officers and Employees.

The ZC requested the provision of a County email address. The Zoning Director advised that he had discussed the issue with ISS and that the ZC could create their own gmail account just for ZC issues. The ZC stated their concerns. The Executive PZB Director stated that Staff will discuss the issue again with the ISS Department.

- C. PLANNING DIRECTOR**
- D. EXECUTIVE DIRECTOR**
- E. COMMISSIONERS**

ADJOURNMENT 9:30 a.m.