

tapering to 60 ft., measured from centerline of the proposed right of way on an alignment approved by the FDOT and as approved by the County Engineer.

....

REPLACE Engineering Condition 10 of Exhibit C-2, to read as follows:

10. The Property Owner shall

- i. Extend the existing left turn lane west approach on Lake Worth Road at Lyons Road to its maximum length, as approved by the FDOT and/or the County, provided the contract is not let before the following threshold for intersection improvements at Lake Worth Rd and Lyons Rd as part of Lyons Rd widening by the County; and
- ii. Restripe the existing U-turn lane west approach on Lake Worth Road at the proposed project driveway to a left turn only.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from the FDOT for this construction shall be obtained prior to the issuance of the first building permit; and (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

AMEND Engineering Condition 11.a. of Exhibit C-2, to read as follows:

- a. Building Permits for more than 182,000 SF gross leasable floor shall not be issued until the Property Owner makes a proportionate share payment in the amount of \$505,036.00, or until the contract has been awarded let for the ~~for~~ intersection improvements at ~~the intersection of~~ Lake Worth Road and Lyons Road including that includes, among others, constructing a second northbound right turn lane.

ADD Engineering Condition 13 to Exhibit C-2, to read as follows:

- 13. Prior to the issuance of building permits for Phase 2 (more than 69,000 sf of the planned 350,000 sf of medical office), the Property Owner shall submit an updated traffic report evaluating the operation of the main entrance on Lake Worth Rd at the restricted median opening, entrance on Lyons Rd, and obtain a new conceptual driveway approval letter from the FDOT for Phase 2 of the project. This should be done as a Development Order Amendment application to the Zoning Division or any other process approved by the Zoning Division. (BLDGPMT/ONGOING:MONITORING – Engineering)

ADD Environmental Resource Management Condition 2 to Exhibit C-2, to read as follows:

- 2. Concurrent with the submittal of the first Building Permit, the Property Owner shall submit a Vegetation Disposition Chart and Tree Survey to finalize the quantity of the preserved vegetation within the 80-wide area, which runs along the east 338 feet of the north property line, and north 660 feet of the east property line. The Chart and Survey shall be subject to the approval by the Department of Environmental Resources Management (ERM). Alternatively, the Property Owner may voluntarily record a conservation easement for the 80-wide open space area subject to the approval by ERM, and label the 80-foot wide area as Voluntary Upland Preserve on the Final Site Plan. (BLDGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

**9. (439-445) SV/ABN/PDD/W-2018-00345 Aurora Lakes
(1977-00052)**

AMEND Engineering Condition 5 of Exhibit C1, to read as follows:

The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane north approach on Military Trail at the Project entrance road. This turn lane shall be lengthened to a minimum 175 feet in length plus 50 foot paved taper, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit.
- b. Construction shall be completed prior to the issuance of the ~~first~~ 101st Certificate of Occupancy.

AMEND Landscape Condition 9 of Exhibit C-1, to read as follows:

9. LANDSCAPING ALONG THE PROPERTY LINE (ABUTTING EXISTING RESIDENTIAL LOTS, EXCLUDING THE RECREATION POD, LAKES AND CANAL)

....

DELETE Landscape Condition 2, 3 and 10 of Exhibit C-1, and renumber accordingly.



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

THURSDAY FEBRUARY 7, 2019

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 7, 2019

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 28, 2019 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. [CA-2018-01520](#) Title: a Class A Conditional Use application of Catherine Bonilla, Richard Bonilla by Land Research Management Inc., Agent. Request: to allow Limited Pet Boarding accessory to a Single-Family residence.

General Location: Northeast corner of 75th Street North and Coconut Boulevard. **(Bonilla Limited Pet Boarding)** (Control 2018-00039)

Pages 1 - 19

Conditions of Approval Pages (6 - 7)

Project Manager: Lorraine Fuster

Size: 1.37 acres ±

BCC District: 6

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Limited Pet Boarding accessory to Single-Family residence subject to the Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

- 2. [ZV/PDD-2018-00138](#) Title: a Type II Variance Concurrent application of Amicus Realty Holdings LLC by Arc Development Global LLC, Agent. Request: to reduce minimum lot size; eliminate requirement for frontage and access; eliminate a portion of the Right of Way (R-O-W) Buffer; reduce width of a Type 3 Incompatibility Buffer; eliminate the wall within a Type 3 Incompatibility Buffer; allow a wall to be located at the property line; and, allow 100% of Landscape Buffer vegetation to be on the interior of a wall.
Title: an Official Zoning Map Amendment application of Amicus Realty Holdings LLC by Arc Development Global LLC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.
General Location: Southeast of the intersection of Hagen Ranch Road and Venture Center Way. **(Amicus Medical Center)** (Control 2000-00030)

Pages 20 - 70

Conditions of Approval Pages (31 - 33)

Project Manager: Diego Penalosa

Size: 1.50 acres ±

BCC District: 5

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

MOTION: To adopt a resolution approving a Type II Variance to reduce minimum lot size; eliminate requirement for frontage and access; eliminate a portion of the Right of Way (R-O-W) Buffer; reduce width of a Type 3 Incompatibility Buffer; eliminate the wall within a Type 3 Incompatibility Buffer; allow a wall to be located at the property line; and, allow 100 percent of Landscape Buffer vegetation to be on the interior of a wall subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development District (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

3. [ZV/ABN/DOA-2018-01725](#) Title: a Type 2 Variance application of Glades 95th Owner, LLC by Dunay Miskel and Backman LLP, Agent. Request: to reduce Front Setback and eliminate Foundation Planting.
Title: a Development Order Abandonment application of Glades 95th Owner, LLC by Dunay Miskel and Backman LLP, Agent. Request: to abandon a Requested Use to allow a Type 1 Restaurant with a Drive-Through (Building C-6).
Title: a Development Order Amendment application of Glades 95th Owner, LLC by Dunay Miskel and Backman LLP, Agent. Request: to reconfigure the Site Plan; add square footage; add and delete uses; and, modify Conditions of Approval (Architecture and Planning).
General Location: Southwest corner of Glades Road and 95th Avenue, approximately 1,500 feet east of State Road. (**Johns Glades West MXP**) (Control 2004-00459)

Pages 71 - 121

Conditions of Approval Pages (80 - 92)

Project Manager: Carlos Torres

Size: 37.99 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1, 34 Conditions of Approval as indicated in Exhibit C-2, 5 Conditions of Approval as indicated in Exhibit C-3 and 5 Conditions of Approval as indicated in Exhibit C-4.

MOTION: To recommend approval of a Type 2 Variance to reduce Front Setback and eliminate Foundation Planting subject to the Conditions of approval as indicated on Exhibit C-1.

MOTION: To recommend approval of a Development Order Abandonment to abandon a Requested Use to allow a Type 1 Restaurant with a Drive-Through (Building C-6).

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add square footage; add and delete uses; and, modify Conditions of Approval (Architecture and Planning), subject to the Conditions of Approval as indicated in Exhibit C-2 (Mixed Use Planned Development).

Motion: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to modify Conditions of Approval (Architecture and Planning), subject to the Conditions of Approval as indicated in Exhibit C-3. (Type 1 Restaurant with Drive Through, Building C-7).

Motion: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to add square footage and, to modify Conditions of Approval (Architecture and Planning) subject to the Conditions of Approval as indicated in Exhibit C-4 (Indoor Theater, Building C-3).

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

4. [ABN/ZV/PDD/CA-2018-01172](#) Title: a Development Order Abandonment application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. Request: to abandon a Class B Conditional Use for Retail Gas and Fuel Sales.
- Title: a Type 2 Variance application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. Request: to allow a reduction of an Incompatibility Buffer width; and, to allow a reduction of parking spaces.
- Title: an Official Zoning Map Amendment application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Planned Unit Development (PUD) Zoning District.
- Title: a Class A Conditional Use application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. Request: to allow a Transfer of Development Rights to a planned development; and, to allow Workforce Housing Program Density Bonus greater than 30 percent.
- General Location: Southwest corner of Belvedere Road and Cleary Road. **(Banyan Ridge Planned Unit Development)** (Control 2009-02465)

Pages 122 - 197

Conditions of Approval Pages (132 - 137)

Project Manager: Carolina Valera

Size: 10.41 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1, 17 Conditions of Approval as indicated in Exhibit C-2, 6 Conditions of Approval as indicated in Exhibit C-3, and 4 Conditions of Approval as indicated in Exhibit C-4.

MOTION: To adopt a resolution approving a Type 2 Variance to allow a reduction of an Incompatibility Landscape Buffer width; and, to allow a reduction of parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Abandonment to abandon a Class B Conditional Use for Retail Gas and Fuel Sales.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights to a planned development subject to the Conditions of Approval as indicated in Exhibit C-3. **MOTION:** To recommend approval of a Class A Conditional Use to allow Workforce Housing Program Density Bonus greater than 30 percent subject to the Conditions of Approval as indicated in Exhibit C-4.

5. [DOA/CA-2017-02447](#) Title: a Development Order Amendment application of RG Towers, LLC, Westchester Golf and Country Club Assoc. by RG Towers LLC, Agent. Request: to modify the Master Plan to add a use.

Title: a Class A Conditional Use application of RG Towers, LLC, Westchester Golf and Country Club Assoc. by RG Towers LLC, Agent. Request: to allow a Stealth Commercial Communication Tower.

General Location: Southwest corner of Piper's Glen Boulevard and Lake Worth Drainage District E-3 canal, approximately 0.5 miles west of South Military Trail. **(RG Towers Westchester Club East)** (Control 1980-00212)

Pages 198 - 230

Conditions of Approval Pages (203 - 216)

Project Manager: Lorraine Fuster

Size: 645.19 acres ±

BCC District: 5

(affected area 0.15 acres ±)

Staff Recommendation: Staff recommends approval of the request, subject to 76 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 modify the Master Plan to add a use 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 Stealth Commercial Communication Tower subject to the Conditions of Approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

6. [ZV/DOA-2017-02426](#) Title: a Type II Variance application of Racetrac Petroleum Inc by WGINC, Agent. Request: to allow a 24-hour operation within 250 feet of a residential Future Land Use designation or Use.

Title: a Development Order Amendment application of Racetrac Petroleum Inc by WGINC, Agent. Request: to reconfigure the Site Plan; add building square footage and pump/fueling position; and, modify Conditions of Approval (Engineering, Landscape and Site Design).

General Location: Northwest corner of Haverhill Road and Lantana Road. **(RaceTrac Market)** (Control 2012-00253)

Pages 231 - 274

Conditions of Approval Pages (238 - 243)

Project Manager: Carlos Torres

Size: 1.71 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; and, 19 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to allow a 24-hour operation within 250 feet of a residential Future Land Use designation or Use subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add building square footage and pump/fueling position; and, modify Conditions of Approval (Engineering, Landscape and Site Design) subject to the Conditions of Approval as indicated in Exhibit C-2.

- 7. [PDD/W-2018-01542](#) Title: an Official Zoning Map Amendment application of Lyons Petroleum, Inc., Cleveland Clinic Florida Health System by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the General Commercial (CG) and Planned Unit Development (PUD) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Type 2 Waiver application of Lyons Petroleum, Inc., Cleveland Clinic Florida Health System by Urban Design Kilday Studios, Agent. Request: to allow Alternative Buffers for three Type 3 Incompatibility Buffers.

General Location: Northeast corner of Lake Worth Road and Lyons Road. **(Project Institute)** (Control 1998-00077)

Pages 275 - 336

Conditions of Approval Pages (284 - 289)

Project Manager: Carlos Torres

Size: 36.98 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated on Exhibit C-1; and, 20 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 General Commercial (CG) and Planned Unit Development (PUD) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Type 2 Waiver to allow Alternative Buffers for three Type 3 Incompatibility Buffers subject to the Conditions of Approval as indicated in Exhibit C-2.

8. [ZV/PDD/W-2018-00798](#) Title: a Type 2 Variance application of Palm Beach West Associates I LLLP by G.L. Homes, Agent. Request: to eliminate a Type 2 Incompatibility Buffer.

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

Title: a Type 2 Waiver application of Palm Beach West Associates I LLLP by G.L. Homes, Agent. Request: to allow more than 40 percent of local streets to terminate in a cul-de-sac or dead end.

General Location: West side of 180th Avenue North, south of Hamlin Boulevard, and on the south side of 60th Street North, west of 180th Avenue North. **(Indian Trail Groves)** (Control 2002-90045)

Pages 337 - 427

Conditions of Approval Pages (351 - 373)

Project Manager: Carolina Valera

Size: 4,871.57 acres ±

BCC District: 1,6

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1, 90 Conditions of Approval as indicated in Exhibit C-2, and 4 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type 2 Variance to eliminate a Type 2 Incompatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Production (AP) and Agricultural Residential (AR) Zoning Districts to the Western Communities Residential Planned Unit Development (WCR-PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Type 2 Waiver to allow more than 40 percent of local streets to terminate in a cul-de-sac or dead end subject to the conditions of approval as indicated in Exhibit C-3.

- 9. [SV/ABN/PDD/W-2018-00345](#) Title: a Development Order Abandonment application of City of Boynton Beach, True Shot, Pulte Home Company, LLC by WGINC, Agent. Request: to abandon a Special Exception to allow a Golf Course, Clubhouse and accessory facilities, and the expansion of an existing Sewage Treatment Plant.
Title: an Official Zoning Map Amendment application of City of Boynton Beach, True Shot, Pulte Home Company, LLC by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.
Title: a Type 2 Waiver application of City of Boynton Beach, True Shot, Pulte Home Company, LLC by WGINC, Agent. Request: to allow more than 40 percent of the local streets to terminate in a cul-de-sac or dead-end.
General Location: East side of South Military Trail, approximately 0.3 miles north of Old Boynton Road. **(Aurora Lakes)** (Control 1977-00052)

Pages 428 - 513

Conditions of Approval Pages (439 - 446)

Project Manager: Meredith Leigh

Size: 121.06 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests subject to 32 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 Abandonment to abandon a Special Exception to allow a Golf Course, Clubhouse and accessory facilities, and the expansion of an existing Sewage Treatment Plant.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Type 2 Waiver to allow more than 40 percent of the local streets to terminate in a cul-de-sac or dead-end subject to the Conditions of Approval as indicated in Exhibit C-2.

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

10. [Title: Annual Organizational Meeting And Election of Chair and Vice Chair](#)

Pages 514 - 518

MOTION:

ADJOURNMENT