



**ZONING COMMISSION  
AMENDMENTS TO THE AGENDA  
SEPTEMBER 7, 2023**

**CONSENT AGENDA**

**1. DOA-2022-01119 South Hampton PUD**

**AMEND – Development Order Amendment Condition of Approval** to modify All Petitions Condition 2 and 3 in Exhibit C as shown as follows:

2. The approved Preliminary Master Plan is dated March 27, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners ~~or the Zoning Commission~~. (ONGOING: ZONING - Zoning)

3. ~~Previous ALL PETITIONS Condition 3 of Resolution R-2013-207, Control No.1973-00215, which currently states:~~

Prior to final approval by the Development Review Officer, the Property Owner/applicant shall execute a Unity of Control binding the owner of Tract 36 and the adjacent Planned Unit Development (Control 2011-245) to maintain the property as open space or a golf course in compliance with all applicable maintenance requirements of the Palm Beach County Unified Land Development Code. (DRO/ONGOING: ZONING - County Attorney) ~~(Previous-ALL PETITIONS Condition 3 of Resolution R-2013-207, Control No.1973-00215)~~

**Is hereby deleted.** [REASON: This was satisfied and no longer applicable]

**ADD – Development Order Amendment Condition of Approval** to modify Compliance Condition 2 in Exhibit C as shown as follows:

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
  - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
  - d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**3. DOA-2022-01078 Tree Top Academy**

**DELETE – Development Order Amendment Condition of Approval** to delete Engineering Condition 10 in Exhibit C as shown as follows:

- ~~10. The Property Owner shall construct:~~
- ~~i) left turn lane west approach on Church St at project entrance~~
- ~~ii) right turn lane east approach on Church St at project entrance.~~

~~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. Lengths of these turn lanes shall be as approved by the County Engineer.~~

~~a. Permits required from Palm Beach County for any construction related to additional students shall be obtained prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering)~~

~~b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for additional students for the daycare. (BLDG/PMT/CO: MONITORING - Engineering)~~

**4. DOA-2023-00658 BrandX Pointe**

**AMEND – Development Order Amendment Condition of Approval** to add language to Compliance Condition 1 and 2 in Exhibit C as shown as follows with unaltered text omitted for brevity:

- 1. Previous COMPLIANCE Condition 1 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

In Granting this Approval, the Board of County Commissioners relied ....

- 2. Previous COMPLIANCE Condition 2 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

Failure to comply with any of the Conditions of Approval ....

**REGULAR AGENDA**

**6. DOA/CAW-2022-00995 Tropical World**

**AMEND – Development Order Amendment Condition of Approval** to modify All Petitions Condition 1 in Exhibit C-1 as shown as follows:

- 1. Previous ALL PETITIONS Condition 1 of Resolution R-2010-673, Control No.2005-00452, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0522 (Control 2005-452), and R-2006-0742 (Control 2005-452) have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

**Is hereby amended to read:**

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2010-0673 (Control 2005-452) have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners ~~or Zoning Commission~~, unless expressly modified. (ONGOING: MONITORING - Zoning)

**AMEND – Development Order Amendment Condition of Approval** to modify Parking Condition 1 in Exhibit C-1 as shown as follows:

- 1. At time of Final approval by the Development Review Officer, the site plan shall be revised to indicate limited to a minimum of forty grass parking spaces, as grass parking spaces. (DRO/ONGOING: ZONING - Zoning)

**AMEND – Development Order Amendment** to modify Health Condition 1 in Exhibit C-1 with the deleted text struck out and added text underlined.

1. Previous HEALTH Condition 1 of Resolution R-2010-673, Control No.2005-00452, which currently states:

Prior to the issuance of a Building Permit, the property owner shall provide written verification issued by the Florida Department of Environmental Protection affirming that environmental contamination assessment and if necessary cleanup of the site are satisfactorily addressed, thus reducing the potential for exposure of construction workers and future residents to any contaminated soil or polluted water. (~~BLDGPMT: MONITORING – Health Department~~) (~~Previous HEALTH Condition 1 of Resolution R-2010-673, Control No.2005-00452~~)

**Is hereby amended to read:**

Prior to the issuance of a Building Permit, the property owner shall provide written documentation that the property owner is addressing or has addressed requirements of the Florida Department of Environmental Protection (FDEP) pursuant to the FDEP letter dated July 24, 2023, provided that if residual arsenic concentrations remain above levels that are protective for workers, a soil management plan and health and safety plan will be prepared and implemented to provide protective measures. (BLDGPMT: MONITORING - Health Department)

**AMEND – Class A Conditional Use Condition of Approval** to modify All Petitions Condition 1 in Exhibit C-2 as shown as follows:

**ALL PETITIONS**

1. The approved Preliminary Master is dated August 24, 2023, and the Preliminary Regulating Plan is dated May 22, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners ~~or the Zoning Commission~~. (ONGOING: ZONING - Zoning)

**AMEND Type 2 Waiver Condition of Approval** All Petitions Condition 1 in Exhibit C-3 as shown as follows:

**ALL PETITIONS**

1. The approved Preliminary Master is dated August 24, 2023, and the Preliminary Regulating Plan is dated May 22, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners ~~or the Zoning Commission~~. (ONGOING: ZONING - Zoning)



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## ZONING COMMISSION MEETING

Thursday, September 7, 2023

9:00 a.m., 1<sup>st</sup> Floor, Vista Center

2300 N. Jog Road, West Palm Beach, FL 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. Swearing In
- G. Approval of the Minutes
- H. Amendments to the Agenda
- I. Disclosures for All Items on Agenda
- J. Conflicts/Recusals

### POSTPONEMENTS/REMANDS/WITHDRAWALS

### CONSENT

### REGULAR

### 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.**

**AGENDA**  
**PALM BEACH COUNTY**  
**ZONING COMMISSION**  
**SEPTEMBER 7, 2023**

**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 Road, West Palm Beach, FL, to consider proposed applications and staff recommendations pursuant to the Palm Beach County Unified Land Development Code. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on other requests. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on applications not subject to Zoning Commission final action.

- 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:

- 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. Swearing In - County Attorney
- G. Approval of the Minutes - [Motion](#) to approve the minutes
- H. Amendments to the Agenda
  - Presentation of Add/Delete
  - Request to Pull Items from Consent
  - **Motion** to adopt the Agenda
- I. Disclosures for All Items on Agenda
- J. Conflicts/Recusals

## POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. Postponements / Remands

B. Withdrawals

### - END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

## CONSENT AGENDA

A. Requests to Pull Items From Consent

B. Zoning Applications

1. [DOA-2022-1119](#) [Southampton PUD](#) (Control 1973-00215)

**Zoning Application of** Southampton A Condominium Association, Inc., KL Reflection Bay LLC, Southampton B Condominium Association, Inc., Southampton C Condominium Association, Inc., Benenson Capital Co by WGINC, Agent.

**Location:** Southwest corner of Century Road and Haverhill Road, approximately 630 feet north of Okeechobee Boulevard

**Project Manager:** Imene Haddad

**BCC District:** 2

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

a. **Title:** a Development Order Amendment **Request:** to modify the Master and Site Plans; add land area, units, and access points; and to modify Conditions of Approval on 80.98 acres

**MOTION:** To recommend approval of item 1.a.

2. [DOA-2022-01227](#) [Mt. Carmel Missionary Baptist Church](#) (Control 1995-00049)

**Zoning Application of** Mt Carmel Baptist Church by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Agent.

**Location:** North side of Church Street, approximately 0.25 mile west of N. Central Blvd.

**Project Manager:** Larry D'Amato

**BCC District:** 1

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

a. **Title:** a Development Order Amendment **Request:** to delete land area (2.99 acres) from an existing 8.15 acre approval; and to reconfigure the site plan for the remaining 5.16 acres

**MOTION:** To recommend approval of item 2.a

3. [DOA-2022-01078](#) [Tree Top Academy](#) (Control 1989-00066)

**Zoning Application of** Treetop Academy of Jupiter LLC by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Agent.

**Location** North side of Church Street, approximately. 0.26 miles west of N. Central Boulevard

**Project Manager:** Larry D'Amato

**BCC District:** 1

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

a. **Title:** a Development Order Amendment **Request:** to add land area (2.99 acres) for a total of 4.49 acres; to reconfigure the site plan, to modify conditions of approval; and increase the number of students

**MOTION:** To recommend approval of item 3.a.

4. [DOA-2023-00658](#) **BrandX Pointe** (Control 2005-00370)

**Zoning Application of** HRC Investment Group LLC by WGINC, Agent.

**Location:** Southeast corner of Congress Avenue and Donnely Drive

**Project Manager:** Vincent Stark

**BCC District:** 2

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

- a. **Title:** a Development Order Amendment **Request** to delete the Conditions of Approval and remove the Conditional Overlay Zone (COZ) on 4.08 acres

**MOTION:** To recommend approval of item 4.a

- b. **Title:** a Release of Restrictive Covenant **Request** to allow the Release of the Restrictive Covenant on 4.08 acres

**MOTION:** No motion required for item 4.b

5. [ZV/DOA-2021-01932](#) **Chick-Fil-A at Western Plaza** (Control 1977-00048)

**Zoning Application of** Chick Fil A Inc. by Interplan LLC, Agent.

**Location:** Southeast corner of Southern Boulevard and SR 7/US 441

**Project Manager:** Donna Adelsperger

**BCC District:** 6

**Staff Recommendation:** Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.

- a. **Title:** a Type 2 Variance **Request:** to allow a reduction in divider median width and to eliminate the tree within the divider island on 0.97 acres

**MOTION:** To adopt a resolution approving item 5.a

- b. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan and add building square footage for the MUPD on the 32.86 acres

**MOTION:** To recommend approval of item 5.b

- c. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan; and, add square footage and drive-through lanes for a Type 1 Restaurant on 0.97 acres

**MOTION:** To recommend approval of item 5.c

**- END OF CONSENT AGENDA -**

**REGULAR AGENDA**

A. **Items Pulled From Consent**

B. **Zoning Applications**

6. [DOA/CA/W-2022-00995](#) **Tropical World Nursery** (Control 2005-00452)

**Zoning Application of** KT Boynton Tropical LLC by Cotleur & Hearing Inc., Agent.

**Location:** West side of Hagen Ranch Road, approximately 0.5 miles south of Woolbright Road

**Project Manager:** Joyce Lawrence

**BCC District:** 5

**Staff Recommendation:** Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.

- a. **Title:** a Development Order Amendment **Request:** to reconfigure the Master and Site Plans; add and delete uses; and to modify Conditions of Approval on 8.94 acres  
**MOTION:** To recommend approval of item 6.a
- b. **Title:** a Class A Conditional Use **Request:** to allow a Congregate Living Facility on 8.94 acres  
**MOTION:** To recommend approval of item 6.b
- c. **Title:** a Type 2 Waiver **Request:** to reduce the separation between Congregate Living Facilities on 8.94 acres  
**MOTION:** To recommend approval of item 6.c

**- END OF REGULAR AGENDA –**

**COMMENTS**

- A. COUNTY ATTORNEY
- B. ZONING DIRECTOR
- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. COMMISSIONERS

**ADJOURNMENT**



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