



**ZONING COMMISSION  
AMENDMENTS TO THE AGENDA  
APRIL 6, 2023**

**CONSENT AGENDA**

**3. ZV-2022-01788 Plaza Delray (Control 2016-00078)**

**AMEND – Type 2 Variance Condition of Approval** to revise Compliance Condition 1 in Exhibit C as shown with the deleted text struck out and added text underlined:

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the ~~Board of County Commissioners~~ Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

**4. DOA-2022-1642 West Palm Auto Auction (Control 2005-00641)**

**AMEND – Development Order Amendment Condition of Approval** to revise Engineering Condition 6 in Exhibit C as shown with the deleted text struck out and the added text underlined:

6. ENGINEERING Condition 6 of Resolution R-2018-802, Control No.2005-00641, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule: a. No building permits for the site shall be issued after December 31, 2022. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (~~Previous ENGINEERING Condition 6 of Resolution R-2018-802, Control No.2005-00641~~)

Is hereby deleted. [REASON: no longer applicable]

**AMEND – Development Order Amendment Condition of Approval** to delete Architectural Review Condition 3 in Exhibit C as shown with the deleted text struck out and the added text underlined:

**ARCHITECTURAL REVIEW**

~~3. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for building J shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW – Zoning)~~

**6. ABN/DOA/CA-2022-1397 Polo Gardens MUPD (Control 2013-00296)**

**AMEND – Development Order Amendment Condition of Approval** to add Planning Condition 16 as shown with the added text underlined:

16. Per LGA 2021-005, Ordinance 2021-12 condition 9. The completion of the 60 foot roadway connecting Polo Road to Hooks Road is required in order to provide connectivity identified within the West Lake Worth Road Neighborhood Plan. (ONGOING: PLANNING - Planning)

**7. DOA/CA-2021-01006 Shops at Indian Trails (Control 2006-00147)**

**AMEND – Development Order Amendment (Overall MUPD 29.53 acres)** to revise All Petitions Condition 1 in Exhibit C-1 as shown with the deleted text struck out and added text underlined:

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

The Preliminary Site Plan is dated November 14, 2013. 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.

**Is hereby amended to read:**

The Preliminary Site Plan is dated February 9, ~~2022~~, 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. (ONGOING: ZONING - Zoning)

**AMEND – Development Order Amendment (Overall MUPD) Condition of Approval** to revise Engineering 1 Condition in Exhibit C-1 as shown with the deleted text struck out:

1. Previous ENGINEERING Condition 1 of Resolution R-2014-111, Control No.2006-00147, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at SR 7 and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 14,820 sf Pharmacy and 3,000 sf of Convenience Store plus 8 gas pumps (or the equivalent of 97 net peak hour trips) shall not be issued until the developer shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

c. In order to request release of the surety for the traffic signal required by condition E.1.b, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

**Is hereby amended to read:**

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2026. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

~~b. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at SR 7 and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 14,820 sf Pharmacy and 3,000 sf of Convenience Store plus 8 gas pumps (or the equivalent~~

~~of 97 net peak hour trips) shall not be issued until the developer shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG/PMT: MONITORING - Engineering)~~

~~c. In order to request release of the surety for the traffic signal required by condition E.1.b, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)~~

**AMEND – Class A Conditional Use (General Day Care on 29.53 acres)** to revise All Petitions Condition 1 in Exhibit C-4 as shown with the deleted text struck out and added text underlined:

1. The approved Site Plan is dated ~~August 11, 2022~~ February 9, 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. (ONGOING: ZONING - Zoning)

**AMEND – Class A Conditional Use (Car Wash on 29.53 acres)** All Petitions Condition 1 in Exhibit C-5 as shown with the deleted text struck out and added text underlined:

1. The approved Site Plan is dated ~~August 11, 2022~~ February 9, 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. (ONGOING: ZONING - Zoning)



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## ZONING COMMISSION MEETING

THURSDAY, APRIL 6, 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**  
**APRIL 6, 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 enter, Ken Rogers Hearing Room, VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, 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 at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on **Thursday, April 27, 2023** to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional 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:
- 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

1. [W-2022-01656 Pine Trail Shopping Center](#) (Control 1978-00273)

**Zoning Application of** Pine Trail Square LLC, by Dunay, Miskel and Backman, LLP, Agent

**Location:** West side of Military Trail, south of Okeechobee Boulevard to Elmhurst Road

**Project Manager:** Imene Haddad

**BCC District:** 2

a. **Title:** a Type 2 Waiver **Request:** to allow extended the hours of operation for business within 250 feet of a parcel of land with a Residential Future Land Use on 28.06 acres

**MOTION:** No motion required. Administratively postponed to May 4, 2023.

2. [ZV/Z-2022-00534 Four Seasons Retail](#) (Control 1973-00079)

**Zoning Application of** Four Seasons Military LLC by Schmidt Nichols, Agent

**Location** West side of Military Trail, approximately 200 feet north of Lillian Avenue

**Project Manager:** Jordan Jafar

**BCC District:** 1

a. **Title:** a Type 2 Variance **Request:** to reduce the number of parking spaces on 1.19 acres

**MOTION:** No motion required. Administratively remanded to Development Review Officer (DRO).

b. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Community Commercial (CC) Zoning District on 1.19 acres.

**MOTION:** No motion required. Administratively remanded to Development Review Officer (DRO).

### B. WITHDRAWALS

- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

## CONSENT AGENDA

### A. Requests To Pull Items From Consent

### B. Zoning Applications

3. [ZV-2022-01788 Plaza Delray MUPD](#) (Control 2016-00078)

**Zoning Application of** Pebb Atlantic LLC by WGINC, Agent.

**Location:** South side of Atlantic Avenue, approx. 500 feet east of Lyons Road.

**Project Manager:** Carlos Torres

**BCC District:** 5

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

a. **Title:** a Type 2 Variance **Request:** to allow a reduction in the sign setback on 4.83 acres

**MOTION:** To adopt a resolution approving item 3.a

4. [DOA-2022-01642](#) **West Palm Beach Auto Auction** (Control 2005-00641)

**Zoning Application of** Manheim Remarketing Inc, JMC-IV Real Estate Company by Urban Design Studio, Agent.

**Location:** East side of Sansbury's Way, approximately 0.3 miles north of Southern Boulevard

**Project Manager:** Jordan Jafar

**BCC District:** 2

**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 reconfigure the Site Plan; add Uses; add square footage; and to modify Conditions of Approval on 91.58 acres

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

5. [CA-2022-01290](#) **(Shapiro Property)** (Control 2004-00233)

**Zoning Application of** Nandaiah Dhanekula, MGR, Emedical Plaza LLC by Schmidt Nichols, Agent.

**Location:** West side of Military Trail approximately 0.5 miles north of Le Chalet Boulevard

**Project Manager:** Vincent Stark

**BCC District:** 2

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

- a. **Title:** a Class A Conditional Use **Request:** to allow a Medical Office on 2.01 acres

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

6. [ABN/DOA/CA-2022-01397](#) **Polo Gardens MUPD** (Control 2013-00296)

**Zoning Application of** Elan Polo Gardens Owner LLC, Cardiovascular Centers of America, The Ferber Company by JMorton Planning & Landscape Architecture, Agent

**Location:** Southeast corner of Lake Worth Road and Polo Club Road

**Project Manager:** Jordan Jafar

**BCC District:** 6

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

- a. **Title:** a Development Order Abandonment **Request:** to abandon the Type 1 Restaurant on 25.04 acres

**MOTION:** No motion required for abandonment.

- b. **Title:** a Development Order Amendment **Request:** to reconfigure the site plan and change uses on 25.04 acres

**MOTION:** To recommend approval of item 6.b

- c. **Title:** a Class A Conditional Use **Request:** to allow a Hospital on 25.04 acres

**MOTION:** To recommend approval of item 6.c

7. [DOA/CA-2021-01006](#) **Shops at Indian Trails** (Control 2006-00147)

**Zoning Application of** Coconut Northlake LLC by JMorton Planning & Landscape Architecture, Agent.

**Location:** Southwest corner of Northlake Boulevard and Coconut Boulevard

**Project Manager:** Timothy Haynes

**BCC District:** 6

**Staff Recommendation:** Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 through C-5.

a. **Title:** a Development Order Amendment **Request:** to modify the Site Plan; add and delete uses, buildings, and square footage; add access points; and, modify Conditions of Approval on 29.53 acres

**MOTION:** To recommend approval of item 7.a

b. **Title:** a Development Order Amendment **Request:** to modify uses (Type 1 Restaurant and Convenience Store with Gas Sales and an accessory car wash R-2011-1241) on 29.53 acres

**MOTION:** To recommend approval of item 7.b

c. **Title:** a Class A Conditional Use **Request:** to allow two Type 1 Restaurants with drive-through's; one Type 1 Restaurant greater than 5,000 sq. ft. with no drive-through; and one Type 2 Restaurant on 29.53 acres

**MOTION:** To recommend approval of item 7.c

d. **Title:** a Class A Conditional Use **Request:** to allow a General Daycare on 29.53 acres

**MOTION:** To recommend approval of item 7.d

e. **Title:** a Class A Conditional Use **Request:** to allow a Carwash on 29.53 acres

**MOTION:** To recommend approval of item 7.e

**- END OF CONSENT AGENDA -**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. ZONING APPLICATIONS**

**- END OF REGULAR AGENDA -**

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**D. EXECUTIVE DIRECTOR**

**E. COMMISSIONERS**

**ADJOURNMENT**



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