



**BOARD OF COUNTY COMMISSION
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
APRIL 27, 2017**

REGULAR AGENDA

E. ZONING APPLICATIONS – NEW

- 6. (52-75) DOA/CA 2016-02014 AutoNation PB Collision Center
 (2000-00057)

AMEND Planning Condition 1 to read as follows:

- 1. Prior to Final Approval by the Development Review Officer (DRO), the property owner shall record in the public records, an irrevocable cross access easement to the North and South, subject to approval by the County Attorney’s Office. The access easement shall be consistent with the locations of pedestrian and vehicular cross access easements identified on the approved site plan. The Final Site Plan shall be amended to indicated the recorded easement OR Book.

- 7. (76-100) PDD/R-2016-01241 Seneca Property
 (2016-00078)

ADD Site Design Condition 1 to read as follows:

1. Prior to Final Approval by the Development Review Officer (DRO), the location and/or building footprint of the Type II restaurant in Building B, may be modified pursuant to Article 2.D.1.G.1.k. The proposed modification(s) shall be in compliance with Article 2.D.1.G. Modifications to Prior Development Orders. (DRO: ZONING - Zoning)

- 8. (101-126) SV/PDD/R/ABN-2016-00424 Stop and Shop
 (1999-00029)

AMEND Engineering Condition 5 to read as follows:

5. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of State Road 7 along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), unless FDOT deems this additional drainage to be unnecessary and the condition can be marked complete. The limits of ...

DELETE Engineering Condition 9

ADD Landscape – Perimeter Condition 2 to read as follows:

2. In addition to ULDC requirements, the Property Owner shall provide special planting treatment within the Right of Way buffer (ROW) along 441 and Atlantic Avenue to include:
 - a. Four (4) Royal Palms or a similar specie that is acceptable to the Landscape Section shall be planted adjacent to each ROW frontage. Royal Palms must meet FPL Right Tree Right Place location criteria. Palms shall have a minimum of six (6) foot of grey wood at installation.
 - b. A specimen palm (ie. Canary island date palm, Sylvester palm, Bismarck palm, Royal Palm) shall be located in the outdoor pedestrian plaza. (BLDGPMT: ZONING – Zoning)



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY APRIL 27, 2017

9:30 A.M.

**BCC Chambers 6th Floor, Jane Thompson Memorial Chambers
301 N Olive Ave, West Palm Beach, 33401**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

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
BOARD OF COUNTY COMMISSIONERS**

APRIL 27, 2017

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. 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 Mayor, 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.

- D. Proof of Publication - Motion to receive and file
- E. Swearing In - County Attorney
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

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. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

- 1. [STR-1988-00019-2](#) Status Report to revoke a Special Exception to permit public and private utility service, approved by R-1989-0346. Property Owner: Brown Landholding Inc General Location: West side of Benoist Farms Road, approximately 0.2 mile South of Belvedere Road. Current Zoning: IL (**Brown Landholding, Inc.**)

Pages: 1 - 5

Project Manager: Bruce Thomson

Size: 10.00 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution revoking a Special Exception to permit public and private utility service, approved by resolution R-1989-0346.

- 2. [STR-1988-00019-3](#) Status Report to revoke a Development Order Amendment, approved by R-2003-0433. Property Owner: Brown Landholding Inc. General Location: West side of Benoist Farms Road, approximately 0.2 mile south of Belvedere Road. Current Zoning: IL (**Brown Landholding, Inc**)

Pages: 6 - 10

Project Manager: Bruce Thomson

Size: 10.00 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution revoking a Development Order Amendment approved by R-2003-0433.

3. [STR-1988-00019-4](#) Status Report to revoke a Development Order Amendment approved by R-2007-1617. Property Owner: Brown Landholding, Inc. General Location: West side of Benoist Farms Road, approximately 0.2 mile South of Belvedere Road. Current Zoning: IL (**Brown Landholding Inc**)

Pages: 11 - 15

Project Manager: Bruce Thomson

Size: 10.00 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution revoking a Development Order Amendment approved by R-2007-1617.

4. [STR-1988-00019-5](#) Status Report to revoke a Development Order Amendment, approved by resolution R-2004-0392. Property Owner: Brown Landholding, Inc. General Location: West side of Benoist Farms Road, approximately 0.2 mile South of Belvedere Road. Current Zoning: IL (**Brown Landholding, Inc.**)

Pages: 16 - 20

Project Manager: Bruce Thomson

Size: 10.00 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution revoking a Development Order Amendment approved by resolution R-2004-0392.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 5. **DOA/R-2016-01813** Title: a Development Order Amendment application of Michel Barberis by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Site Plan; delete square footage; and add a Requested Use.

Title: a Requested Use of Michel Barberis by Jon E Schmidt & Associates, Agent. Request: to allow a Type I Restaurant with a Drive-through.

General Location: Southwest corner of Hypoluxo Road and Seacrest Boulevard. **(Zaxby's at Sam's Wholesale Club Plaza)** (Control 1975-00069)

Pages: 21 - 51

Conditions of Approval (27 - 33)

Project Manager: Yoan Machado

Size: 20.61 acres ±

BCC District: 7

(affected area 0.68 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 42 Conditions of Approval as indicated in C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; delete square footage; and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use to allow a Type I Restaurant with Drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

6. [DOA/CA-2016-02014](#) Title: a Development Order Amendment application of Imports Autonation by Ronald L. Book PA, Sol-ARCH, Agent. Request: to modify uses and modify and delete Conditions of Approval (Engineering, Landscape, Use, Signs, and Site Design).

Title: a Class A Conditional Use of Imports Autonation by Ronald L. Book PA, Sol-ARCH, Agent. Request: to allow an Auto Paint and Body Shop.

General Location: Approximately 600 feet south of Okeechobee Boulevard, on the east side of N. Congress Avenue. **(AutoNation Palm Beach Collision Center)** (Control 2000-00057)

Pages: 52 - 75

Conditions of Approval (58 - 65)

Project Manager: Carlos Torres

Size: 2.83 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 43 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to modify uses and modify and delete Conditions of Approval (Engineering, Landscape, Use, Signs, and Site Design) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow an Auto Paint and Body Shop subject to the Conditions of Approval as indicated in Exhibit C-2.

7. **PDD/R-2016-01241** Title: an Official Zoning Map Amendment application of C B C Seneca Corp by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use of C B C Seneca Corp by Wantman Group Inc., Agent. Request: to allow a Type I Restaurant with Drive-through and a Type II Restaurant.

General Location: Approximately 428 feet east of Lyons Road on the south side of Atlantic Avenue. (**Seneca Property**) (Control 2016-00078)

Pages: 76 - 100

Conditions of Approval (83 - 88)

Project Manager: Carolina Valera

Size: 4.51 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 16 Conditions of Approval as indicated in Exhibit C-1, 5 Conditions of Approval as indicated in Exhibit C-2, and 5 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 7-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use to allow a Type I Restaurant with Drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use and a Type II Restaurant subject to the Conditions of Approval as indicated in Exhibit C-3.

- 8. [SV/PDD/R/ABN-2016-00424](#) Title: an Official Zoning Map Amendment application of BDG Delray by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use of BDG Delray by Wantman Group Inc., Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.

Title: a Development Order Abandonment of BDG Delray by Wantman Group Inc., Agent. Request: to abandon a Class A Conditional Use for a Convenience Store with Gas Sales which was granted under the AGR Zoning District under prior Resolutions.

General Location: Southwest corner of SR 7/US 441 and West Atlantic Avenue. **(Stop and Shop)** (Control 1999-00029)

Pages: 101 - 126

Conditions of Approval (110 - 115)

Project Manager: Yoan Machado

Size: 5.11 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests 18 Conditions of approval as indicated in Exhibit C-2, and 7 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment to a Planned Development District by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 7-0-0.

Zoning Commission Recommendation: Approved a Subdivision Variance by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 7-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow Retail Gas and Fuel Sales with a Convenience Store and make a finding that the use is appropriately located subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Class A Conditional Use for a Convenience Store with Gas Sales which was granted under the AGR Zoning District under prior Resolutions.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9. [SV/W-2016-01231](#) Title: a Type II Waiver application of Eddy Hernandez by Miller Land Planning, Agent. Request: to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and increase the setback from the build-to-line.

General Location: Southeast corner of Military Trail and Fuller Street. (**Palm Elite Car Wash**) (Control 2013-00200)

Pages: 127 - 152

Conditions of Approval (133 - 135)

Project Manager: Yoan Machado

Size: 0.93 acres ±

BCC District: 3

DISCLOSURE

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

Zoning Commission Recommendation: Approved a Subdivision Variance by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Type II Waiver by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Type II Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and increase the setback from the build-to-line subject to the Conditions of Approval as indicated in Exhibit C-2.

J. ZONING APPLICATIONS - NEW**K. ULDC AMENDMENTS**

10. [PIA-2016-01210](#) Title: a Privately Initiated Amendment (PIA) - (FPL Commercial Communication Towers), application of FPL Fibernet LLC - Bruce Barber by Gunster Yoakley & Stewart PA, Agent. Request: To delete existing regulations pertaining to the placement of Commercial Communication equipment on FPL transmission poles, and replace with new and expanded regulations for both FPL transmission poles and substations.

General Location: Not site specific. () (Control)

Pages: 153 - 203

Project Manager: William Cross

Size: acres ±

Staff Recommendation: Staff recommends approval of the Motion to Adopt.

LDRAB/LDRC (January 25, 2017): LDRAB recommendation to accept staff's recommendation, including separation standards, motion passed (9-0); and, LDRC determination of consistency with the Comprehensive Plan, motion passed (9-0).

BCC Public Hearings: February 23, 2017, Request for Permission to Advertise for First Reading on March 23, 2017, Approved (7-0). March 23, 2017, 1st Reading and Advertise for Adoption Hearing on April 27, 2017, Approved (6-0).

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, TO DELETE EXISTING REGULATIONS PERTAINING TO THE PLACEMENT OF COMMERCIAL COMMUNICATION EQUIPMENT ON FPL TRANSMISSION POLES, AND REPLACE WITH NEW AND EXPANDED REGULATIONS FOR BOTH FPL TRANSMISSION POLES AND SUBSTATIONS, AS FOLLOWS: ARTICLE 1 - GENERAL PROVISIONS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES, CHAPTER D; ARTICLE 4 - USE REGULATIONS; CHAPTER B, USE CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

L. COMPREHENSIVE PLAN TEXT AMENDMENTS

M. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT