



**ZONING COMMISSION
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
DECEMBER 2, 2016**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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CONSENT AGENDA

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

2.	(2-57)	ZV/DOA/R-2015-02348 (1977-00048)	Western Plaza-First Coast Energy Convenience Store No. 2719
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REPLACE Engineering Condition 7 of Exhibit C-2 to read as follows:

7. 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)

D. ZONING APPLICATIONS – NEW

4.	(81-110)	ZV/Z/CA-2015-02360 (1973-00243)	Cleary Station
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ADD Engineering Condition 8 of Exhibit C-2 to read as follows:

8. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall construct 70th Street North as a two-lane roadway section with 12-foot wide lanes to north of the proposed project's entrance, along the project's western property boundary, or as otherwise approved by the County Engineer.

REGULAR AGENDA

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5.	(111-163)	SV/CB/CA-2016-00447 (2013-00168)	Divine Savior Academy
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DELETE Environmental Condition 1 of Exhibit C-1.

AMEND Architectural Review Condition 1 of Exhibits C-2; C-3 and C-4 to read as follows:

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the shall be submitted for final review and approval by the Zoning ...

DELETE Engineering Condition 4 of Exhibits C-2; C-3 and C-4 and renumber accordingly.

AMEND Engineering Conditions 7, 8 and 9 of Exhibits C-2; C-3 and C-4 to read as follows:

7. The Property Owner shall construct:

- i. right turn lane north approach on Lyons Rd at ~~main~~ the southern project entrance, 400 280 ft storage, plus 50 ft in taper, or as approved by the County Engineer.
- ii. left turn lane south approach on Lyons Rd at ~~main~~ the northern entrance, maximum length possible given the geometric constraints, or as approved by the County Engineer.
- iii. ~~right turn lane north approach on Lyons Rd at the in-only driveway, maximum length possible, or as approved by the County Engineer.~~

This construction shall be...

- a. ...
- b. ...

c. Alternately, the Property Owner may elect to make a payment to the County for the total cost of the southbound right turn lane to be constructed as part of the Lyons Road widening project, as determined by the County Engineer, and at the time of this payment, this condition will be considered as fully satisfied. (BLDGPM/CO: MONITORING – Engineering)

8. Prior to the issuance of the first building permit...on Lyons Road at:

- i. ~~The project's main entrance~~
- ii. ~~The~~ the project's southern, right-in-only entrance

This right of way shall be a length...

9. The Property Owner shall construct a minimum of a 5- 6- foot wide concrete sidewalk along the west side of Lyons Road along the property's frontage. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first certificate of occupancy. Alternately, the Property Owner may elect to make a payment to the County for the total cost of the sidewalk to be constructed as part of the Lyons Road widening project, as determined by the County Engineer, and at the time of this payment, this condition will be considered as fully satisfied.

ADD Site Design Condition 1 of Exhibit C-2 and C-3 to read as follows and renumber C-3 accordingly:

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to identify, label and dimension, where applicable:

- a. Staff and Parent Drop-Off parking spaces. The parking spaces shall be located in areas to minimize backing-up onto the queuing lanes;
- b. Parent Drop-Off and Pick Up queuing lanes. All queuing lanes must be free and clear from loading zones;
- c. Staging areas where Staff will be monitoring the Drop-Off and Pick-Up activities;
- d. Main and Secondary Entrances to the School and Daycare in addition to the Main East Entrance to the facilities through the Place of Worship; and,
- e. Location of stationary outdoor play equipment for the Daycare. (DRO: ZONING – Zoning)

REPLACE Use Limitation Condition 1 of Exhibit C-2, and **ADD** Use Limitation Condition 1 to Exhibits C-3 and C-4 to read as follows and renumber Exhibit C-3 accordingly:

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Justification Statement and Traffic Impact Study, if applicable, to include the Operational Management Program for the different Facilities, including but not limited to:

- a. Hours of operation for the Place of Worship, School and Daycare;
- b. Drop-off and Pick-up time for the School and Daycare, including any staggered hours;
- c. Before and After School Hours for the School and Daycare; and,
- d. Availability of Traffic monitoring Staff. (DRO: ZONING – Zoning)



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

FRIDAY DECEMBER 2, 2016

9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach**

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

DECEMBER 2, 2016

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 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, January 5, 2017 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

1. [DOA-2015-01470](#) Title: a Development Order Amendment application of Florida Education Properties Villages of by F.P. Dino Inc., Agent. Request: to reconfigure the site plan; add and delete square footage; increase the number of students for the Private School; decrease the number of children for the Day Care; and amend Conditions of Approval (Engineering).

General Location: Southeast corner of Hypoluxo Road and Lyons Road. **(Villages of Windsor SE Civic)** (Control 1996-00081)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 543.60 acres ±

BCC District: 3

(affected area 12.12 acres ±)

Staff Recommendation: Staff recommends postponement to Friday, January 6, 2017.

MOTION: To postpone to Friday, January 6, 2017.

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

2. [ZV/DOA/R-2015-02348](#) Title: a Type II Variance application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a reduction in number of parking spaces and the width of a Right-of-Way buffer.

Title: a Development Order Amendment application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure Site Plan; add square footage and fueling stations; add a Requested Use; and, modify Conditions of Approval (Engineering).

Title: a Requested Use application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: At the Southeast corner of State Road 7 and Southern Boulevard. **(Western Plaza -First Coast Energy Convenience Store No. 2719)** (Control 1977-00048)

Pages 2 - 57

Conditions of Approval Pages (10 - 22)

Project Manager: Carlos Torres

Size: 32.86 acres ±

BCC District: 6

(affected area 1.15 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1, 62 Conditions of Approval as indicated in Exhibit C-2, and 7 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in number of parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1.

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

MOTION: To recommend approval of a Requested Use to allow a Convenience Store with gas sales subject to the Conditions of Approval as indicated in Exhibit C-3.

D. ZONING APPLICATIONS - NEW

3. [Z/CA-2016-00849](#) Title: an Official Zoning Map Amendment application of George Moraitis by iPlan and Design LLC, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District.
Title: a Class A Conditional Use application of George Moraitis by iPlan and Design LLC, Agent. Request: to allow a General Daycare.
General Location: Approximately 700 feet west from Lawrence Road on the south side of Lantana Road. **(Children's Academy of Lake Worth)** (Control 2016-00079)

Pages 58 - 80

Conditions of Approval Pages (65 - 70)

Project Manager: Diego Penalosa

Size: 0.91 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Rezoning subject to a Conditional Overlay Zone (COZ) and 4 Conditions of Approval as indicated in Exhibit C-1, and approval of the Class A Conditional Use subject to 28 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 Agriculture Residential (AR) Zoning District to the Residential Medium Density (RM) Zoning District subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C-1

MOTION: To recommend approval of a Class A Conditional Use to allow a General Daycare subject to the Conditions of Approval as indicated in Exhibit C-2.

4. [ZV/Z/CA-2015-02360](#) Title: an Official Zoning Map Amendment application of Global Force Investment Consulting LLC - Marta Gonzales by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the General Commercial (CG) Zoning District.
Title: a Class A Conditional Use application of Global Force Investment Consulting LLC - Marta Gonzales by Urban Design Kilday Studios, Agent. Request: to allow a Convenience Store with Gas Sales.
General Location: Northwest corner of Southern Boulevard and Cleary Road. **(Cleary Station)** (Control 1973-00243)

Pages 81 - 110

Conditions of Approval Pages (90 - 93)

Project Manager: Carrie Rechenmacher

Size: 1.17 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 1 Conditions of Approval as indicated in Exhibit C-1 and 16 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 Light Industrial (IL) Zoning District to the General Commercial (CG) Zoning District 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 Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. [SV/CB/CA-2016-00447](#) Title: a Subdivision Variance application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow access directly to a major street.

Title: a Class B Conditional Use application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a General Daycare.

Title: a Class A Conditional Use application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a Private School and Place of Worship.

General Location: Approximately 0.9 miles south of Atlantic Avenue, located at the southwest corner of 158th Road S and Lyons Road. **(Divine Savior Academy)** (Control 2013-00168)

Pages 111 - 163

Conditions of Approval Pages (120 - 135)

Project Manager: Diego Penaloza

Size: 9.67 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 22 Conditions of Approval as indicated in Exhibit C-2, 23 Conditions of Approval as indicated in Exhibit C-3, and 21 Conditions of Approval as indicated in Exhibit C-4.

MOTION: To adopt a resolution approving a Subdivision Variance to allow access directly to a major street subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a General Daycare 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 Private School subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C-4.

D. ZONING APPLICATIONS - NEW

- 6. [ZV/ABN/PDD/R-2015-02353](#) Title: a Type II Variance application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow 24-hour operation within 250 feet of a residential district.
Title: a Development Order Abandonment application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to abandon a Class A Conditional Use and a Development Order Amendment approving the Commercial Communication Tower granted under prior Resolutions.
Title: an Official Zoning Map Amendment to a Planned Development District application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer.
Title: a Requested Use application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a Type I Restaurant with drive-through and a Convenience Store with Gas Sales.
General Location: Northeast corner of Boynton Beach Boulevard and Lyons Road. **(Cobblestone Plaza MUPD)** (Control 2004-00034)

Pages 164 - 227

Conditions of Approval Pages (175 - 189)

Project Manager: Yoan Machado

Size: 15.34 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the Type II Variance.

Staff recommends approval of the Rezoning and Requested Uses subject to 21 Conditions of Approval as indicated in Exhibit C-2, 16 Conditions of approval in Exhibit C-3, and 14 Conditions of Approval as indicated in Exhibit C-4.

MOTION: To adopt a resolution denying a Type II Variance to allow 24-hour operation within 250 feet of a residential district.

MOTION: To recommend approval of a Development Order Abandonment to abandon a Class A Conditional Use and a Development Order Amendment approving the Commercial Communication Tower granted under prior Resolutions.

MOTION: To recommend approval of 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 and to allow an Alternative Landscape Buffer subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Requested Use to allow a Type I Restaurant with drive-through subject to the Conditions of Approval as indicted in Exhibit C-3.

MOTION: To recommend approval of a Requested Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-4.

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

ADJOURNMENT

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