



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

**THURSDAY APRIL 4, 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/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*



**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**APRIL 4, 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, April 25, 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**

**D. ZONING APPLICATIONS - NEW**

1. [SV/ABN/Z/W-2018-01211](#) Title: a Development Order Abandonment application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. Request: to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.

Title: an Official Zoning Map Amendment application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District.

Title: a Type 2 Waiver application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. Request: to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space.

General Location: Northeast corner of Congress Avenue and Ohio Street. **(ETC Office/Warehouse)** (Control 1984-00020)

Pages 1 - 48

Conditions of Approval Pages (9 - 12)

Project Manager: Donna Adelsperger

Size: 1.31 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone (COZ) for the rezoning and 6 Conditions of Approval as indicated in Exhibit C-1; and 13 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of three Type 2 Waivers to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space subject to the Conditions of Approval as indicated in Exhibit C-2.

2. [DOA-2018-02347](#) Title: a Development Order Amendment application of SR II, LLC by Urban Design Kilday Studios, Agent. Request: to delete a Condition of Approval (Engineering).

General Location: East side of Pratt Whitney Road, approximately 1,000 feet north of Corporate Road North. (**Palm Beach Park of Commerce Surf Ranch Florida**) (Control 1981-00190)

Pages 49 - 69

Conditions of Approval Pages (55 - 59)

Project Manager: Lorraine Fuster

Size: 78.91 acres ±

BCC District: 1

(affected area 46.66 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 27 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to delete a Condition of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C.

3. [ZV/DOA/CA-2018-01558](#) Title: Type 2 Variance application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. Request: to reduce the setback for a dumpster; and, to reduce foundation planting width.

Title: Development Order Amendment application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. Request: to reconfigure the Site Plan, modify uses, delete square footage, and, modify or delete Conditions of Approval (Architectural Review, Engineering, Landscape).

Title: Class A Conditional Use application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a Type 1 Restaurant with a Drive-through.

General Location: Northwest corner of Southern Boulevard and North Benoist Farms Road. (**Wawa SB 1327**) (Control 1991-00037)

Pages 70 - 113

Conditions of Approval Pages (78 - 88)

Project Manager: Meredith Leigh

Size: 3.13 acres ±

BCC District: 2

(affected area 0.60 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; 44 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 reduce the setback for a dumpster; and, to reduce foundation planting width 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, modify uses, delete square footage, and, modify or delete Conditions of Approval (Architectural Review, Engineering, Landscape) 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 Type 1 Restaurant with a Drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

- 4. [ZV/DOA-2018-00972](#) Title: a Type 2 Variance application of Tjac Palmetto Park LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow up to 100 percent easement overlap in a required Right-of-Way (R-O-W) Buffer; and, to allow a controlled plant species to remain within 15 feet of any vehicular use area. Title: a Development Order Amendment application of Tjac Palmetto Park LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the Site Plan and to add square footage.

General Location: Southwest corner of Palmetto Park Road and Powerline Road. **(Boca Del Mar PCD)** (Control 1981-00115)

Pages 114 - 155

Conditions of Approval Pages (122 - 129)

Project Manager: Carrie Rechenmacher

Size: 48.59 acres ±

BCC District: 4

(affected area 8.20 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; and, 50 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Type 2 Variance to allow up to 100 percent easement overlap in a required Right-of-Way (R-O-W) Buffer; and, to allow a controlled plant species to remain within 15 feet of any vehicular use area subject to Conditions of approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan and to add square footage subject to Conditions of Approval as indicated in Exhibit C-2.

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

- 5. [ZV/PDD/CA-2018-01515](#) Title: a Type 2 Variance application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to reduce the rear setback for Townhouses; and, modify Mixed Use Planned Development land use mix percentages.  
Title: an Official Zoning Map Amendment application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Mixed Use Planned Development (MXPD) Zoning District.  
Title: a Class A Conditional Use application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow Retail Gas Fuel Sales with a Convenience Store; and, two Type 1 Restaurants with Drive-throughs.  
General Location: Southwest corner of Lake Worth Road and Polo Road. **(Polo Legacy MXPD)** (Control 2007-00096)

Pages 156 - 201

Conditions of Approval Pages (167 - 175)

Project Manager: Meredith Leigh

Size: 38.54 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; 24 Conditions of Approval as indicated in Exhibit C-2; 4 Conditions of Approval as indicated in Exhibit C-3; 4 Conditions of Approval as indicated in Exhibit C-4; and, 4 Conditions of Approval as indicated in Exhibit C-5.

**MOTION:** To adopt a resolution approving a Type 2 Variance to reduce the rear setback for Townhouses; and, modify Mixed Use Planned Development land use mix percentages 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 Residential (AR) Zoning District to the Mixed Use Planned Development (MXPD) 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 Retail Gas Fuel Sales with a Convenience Store 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 Type 1 Restaurant with a Drive-through (Building C) subject to the Conditions of Approval as indicated in Exhibit C-4.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building E) subject to the Conditions of Approval as indicated in Exhibit C-5.

- 6. [ABN/PDD/CA-2017-00983](#) Title: a Development Order Abandonment application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to abandon a Class B Conditional Use for a Wholesale Plant Nursery with accessory Type II Excavation.  
Title: an Official Zoning Map Amendment application of AMKBJ Partners, LTD LLLP 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 Class A Conditional Use application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a Type 3 Congregate Living Facility (CLF); and, to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent.  
General Location: West side of Military Trail, approximately 0.60 miles north of Lantana Road. **(Heathwood Reserve)** (Control 1997-00008)

Pages 202 - 233

Conditions of Approval Pages (212 - 217)

Project Manager: Carolina Valera

Size: 22.54 acres ±

BCC District: 3

Staff Recommendation: Staff Recommends approval of the requests subject to 17 Conditions of Approval as indicated in Exhibit C-1; 6 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 Development Order Abandonment to abandon a Class B Conditional Use for a Wholesale Plant Nursery with accessory Type II Excavation.

**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 Class A Conditional Use to allow a Type 3 Congregate Living Facility (CLF) subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Class A Conditional Use to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent subject to the Conditions of Approval as indicated in Exhibit C-3.

**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**