

AMEND Third Motion, to read as follows:

MOTION: To recommend approval to allow a rezoning from the Residential Single Family (RS) Zoning District to the Institutional Public Facility (IPF) Zoning District.

REGULAR AGENDA

D. ZONING APPLICATIONS – NEW

8. (234) DOA-2018-01047 Rainberry PUD – Pods A & B
(1984-00139)

AMEND Architectural Review (Pod B) Condition 4 of Exhibit C-2, to read as follows:

4. The Type 3 Congregate Living Facility (Building C) shall be limited to the following maximum height and minimum setbacks from the east property line of Pod B. Height shall be measured from the ~~the~~ top of the roof to the finished grade where the building is located:
- a. Four-story portion of Building C - 59 feet in height and ~~210~~ 185 feet of setback;
 - b. Three-story portion of ~~Buildng~~ Building C – 48 feet in height and ~~130~~ 115 feet of setback;
 - c. Resident Courtyard above garage of Building C – 18 feet in height and 100 feet of setback;
- and,
- d. The Four-story portion of the building shall not be increased in floor area so as to expand into the three-story portion of Building C. (BLDG~~PMT~~: ZONING – Zoning)



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

THURSDAY MAY 2, 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/

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



AGENDA
PALM BEACH COUNTY ZONING COMMISSION

MAY 2, 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, May 23, 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

- 1. [Z/CA-2017-01996](#) Title: an Official Zoning Map Amendment application of Andrew Podray by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and Multifamily Residential High Density (RH) Zoning Districts, to the Multifamily Residential (RM) Zoning District.
General Location: On the east side of Barwick Road, approximately 0.55 miles north of Lake Ida Road. **(Banyan Cove)** (Control 2014-00078)

Pages 1 - 1

Project Manager: Lorraine Fuster

Size: 6.68 acres ±

BCC District: 4

Staff Recommendation: Staff recommends a postponement to Thursday, August 1, 2019.

MOTION: To postpone to Thursday, August 1, 2019.

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. [SV/ABN/Z/W-2018-01211](#) Title: a Development Order Abandonment application of Deliceto 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 Deliceto 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 Deliceto 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 2 - 49

Conditions of Approval Pages (10 - 13)

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 -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.

D. ZONING APPLICATIONS - NEW

- 3. [ZV-2019-00103](#) Title: a Type 2 Variance application of Boynton Beach Associates XXVI LLLP by G.L. Homes, Agent. Request: to allow an increase in Building Coverage for one-story Single-Family units and one-story Zero Lot Line units.
General Location: West side of Lyons Road south of Flavor Pict Road. **(Monticello AGR-PUD)** (Control 2005-00014)

Pages 50 - 79

Conditions of Approval Pages (54 - 54)

Project Manager: Carrie Rechenmacher

Size: 658.41 acres ±

BCC District: 5

(affected area 283.37 acres ±)

Staff Recommendation: Staff recommends approval of the Type 2 Variance subject to 7 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type 2 Variance to allow an increase in Building Coverage for one-story Single-Family units and one-story Zero Lot Line units subject to the Conditions of Approval as indicated in Exhibit C.

- 4. [ABN/ZV/CA-2018-00962](#) Title: Development Order Abandonment application of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates , Keith and Associates Inc., Agent. Request: to abandon a Special Exception allowing an Automobile Service Station and Car Wash
Title: a Type 2 Variance application of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates , Keith and Associates Inc., Agent. Request: to allow 24 Hours of Operation within 250 feet of a Residential Use.
Title: a Class A Conditional Use application of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates , Keith and Associates Inc., Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store
General Location: Southwest of the intersection of State Road 7 (U.S.441) and SW 18th Street (Marina Boulevard). **(7-Eleven at Marina Blvd #34972)** (Control 1982-00097)

Pages 80 - 123

Conditions of Approval Pages (87 - 89)

Project Manager: Carrie Rechenmacher

Size: 1.42 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1; and, 9 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Abandonment of a Special Exception allowing an Automobile Service Station and Car Wash.

MOTION: To adopt a resolution approving a Type 2 Variance to allow 24 Hours of Operation within 250 feet of a Residential Use subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store subject to Conditions of Approval as indicated in Exhibit C-2.

5. [SV/ABN/Z/CA-2018-00774](#) Title: a Subdivision Variance application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum legal access width.
Title: a Development Order Abandonment application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to abandon a Class A Conditional Use to allow an Elementary or Secondary School (Charter).
Title: an Official Zoning Map Amendment application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Institutional and Public Facilities (IPF) Zoning District.
Title: a Class A Conditional Use application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow an Elementary or Secondary School (Charter); Assembly Institutional Non-Profit, and a Type 3 Congregate Living Facility (CLF).
General Location: On the east side of Limestone Creek Road approximately 0.85 miles north of Indiantown Road. **(Els Center for Excellence)** (Control 1975-00168)

Pages 124 - 151

Conditions of Approval Pages (134 - 139)

Project Manager: Carrie Rechenmacher

Size: 26.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval subject to 1 Condition of Approval as indicated in Exhibit C-1; 17 Conditions of Approval as indicated in Exhibit C-2; 5 Conditions of Approval as indicated in Exhibit C-3; and, 1 Condition of Approval as indicated in Exhibit C-4.

MOTION: To adopt a resolution approving a Subdivision Variance to allow a reduction in the minimum legal access width.

MOTION:

To abandon a Class A Conditional Use to allow an Elementary or Secondary School (Charter)

MOTION: To allow a rezoning from the Residential Single Family (RS) Zoning District to the Institutional Public Facility (IPF) Zoning District.

MOTION: To recommend approval for a Class A Conditional Use to allow an Elementary or Secondary School subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval for a Class A Conditional Use to allow an Assembly Institutional Non-Profit subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To recommend approval for 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-4.

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

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 152 - 190

Conditions of Approval Pages (162 - 167)

Project Manager: Carolina Valera

Size: 22.54 acres \pm

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 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.

7. [PDD-2018-01692](#) Title: an Official Zoning Map Amendment application of Concert Fountains Properties, LLC by WGINC, Agent. Request: to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Planned Unit Development (PUD) Zoning District.

General Location: On the west side of South Jog Road, approximately 0.3 miles south of Lake Worth Road. (**The Lofts at Lake Worth**) (Control 2016-00114)

Pages 191 - 210

Conditions of Approval Pages (198 - 201)

Project Manager: Carolina Valera

Size: 62.60 acres \pm

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 19 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map amendment to allow rezoning from the Multifamily Residential High Density (RH) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

8. [DOA-2018-01047](#) Title: Development Order Amendment application of Federation CCRC Operations Corp by WGINC, Agent. Request: to reconfigure Pod B in the Master Plan and Site Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds, square footage and parking spaces; and, to modify and delete prior Conditions of Approval (Building, Landscape and Use Limitations).

General Location: East side of 95th Avenue South, approximately 0.26 miles south of Glades Road. (**Rainberry PUD - Pods A & B**) (Control 1984-00139)

Pages 211 - 254

Conditions of Approval Pages (220 - 235)

Project Manager: Carlos Torres

Size: 115.62 acres \pm

BCC District: 5

(affected area 40.22 acres \pm)

Staff Recommendation: Staff recommends approval of the request subject to 58 Conditions of Approval as indicated in exhibit C-1 and 12 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure Pod B in the Master Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds/Residents, and, to modify and delete prior Conditions of Approval (Building and Landscape) subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure Pod B in the Site Plan for Pod A and B to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds, square footage and parking spaces; and, to modify and delete prior Conditions of Approval (Architecture and Use Limitations) subject to Conditions of Approval as indicated in Exhibit C-2.

E. SUBDIVISION VARIANCE

E. OTHER ITEMS

9. Title: Workshop - Traffic Concurrency

-Proportionate Share

Pages: No Attachments.

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT

This page left blank intentionally