



**ZONING COMMISSION
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
November 7, 2019**

AGENDA

ITEM # PAGE # APPLICATION AND CONTROL #S APPLICATION NAME

AMENDMENTS TO THE AGENDA

(Agenda Page i)

AMEND the following to Call to Order:

- G. Swearing In**
- H. Disclosures Amendments to the Agenda**
- I. Motion to Adopt the Agenda**
- J. Disclosures**

(Agenda Page 1)

AMEND the following to Call to Order:

- G. Swearing In – County Attorney**
- H. Disclosures Amendments to the Agenda**
- I. Motion to Adopt the Agenda**
- J. Disclosures**

CONSENT AGENDA

D. ZONING APPLICATIONS- NEW

| | | | |
|-----------|------------|---------------------------------------|--------------------------|
| 3. | (8) | CA-2019-00734 (2018-00103) | Friends of Peanut |
|-----------|------------|---------------------------------------|--------------------------|

AMEND Site Design Condition 1 of Exhibit C, to read as follows:

1. The Outdoor Activity Area shall be enclosed with a four-foot high vinyl-coated chain link fence. Prior to Final Approval by the Development Review Officer, the Property Owner shall revise the Site Plan to indicate the location of the fence. (DRO/ONGOING: ZONING - Zoning)

AMEND Use Limitation Condition 1 of Exhibit C, to read as follows:

1. Outdoor activities shall be limited from 7:00 a.m. to 9:00 p.m. unless the animals are under the restraint or control of a person by means of a leash. (~~ONGOING: ZONING--Zoning~~)
(ONGOING: CODE ENF-Zoning)

DELETE Use Limitation Condition 2 of Exhibit C.

| | | | |
|-----------|-------------|---------------------------------------|---------------------------------|
| 4. | (22) | CA-2019-00735 (1998-50028) | Personalized Pet Sitting |
|-----------|-------------|---------------------------------------|---------------------------------|

AMEND Site Design Condition1 of Exhibit C, to read as follows:

1. The Outdoor Activity Area shall be enclosed with a four-foot high vinyl-coated chain link fence. Prior to Final Approval by the Development Review Officer, the Property Owner shall revise the Site Plan to indicate the location of the fence. (DRO/ONGOING: ZONING - Zoning)

AMEND Use Limitation Condition 1 of Exhibit C, to read as follows:

1. Outdoor activities shall be limited from 7:00 a.m. to 9:00 p.m. unless the animals are under the restraint or control of a person by means of a leash. (ONGOING: CODE ENF-Zoning)

DELETE Use Limitation Condition 2 of Exhibit C

6. (61) ZV-2019-01253 Turnpike Crossing East PIPD
(2005-00456)

REPLACE Variance Condition 4 of Exhibit C, to read as follows:

4. Prior to final Development Review Officer approval, the Site Plan shall be amended to extend the required eight foot high Loading Area Screening on the east and northeast side of Building #3, to within 25 feet (or corner clip setback, if applicable) of the abutting access points to North Jog Road, extending an additional 50 west within the Landscape Divider Median immediately north of Building #3. (DRO/ONGOING: ZONING/CODE ENF – Zoning)

REGULAR AGENDA

D. ZONING APPLICATIONS – NEW

7. (87) SV/DOA-2018-02134 Eastpointe Country Club
(1980-00028)

ADD Engineering Condition 1 to Exhibit C-1, to read as follows:

1. This Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA-2018-02134. (ONGOING: ZONING - Zoning)

ADD Compliance Condition 1 and 2 to Exhibit C-1, to read as follows:

1. In Granting this Approval, the Board of County Commissioners 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 for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

9. (196-198) ZV/PDD/CA-2019-00327 Holden of Delray Beach
(2008-00133)

AMEND Variance Condition 1 of Exhibit C-2, to read as follows:

1. This Variance is approved based on the layout as shown on the Preliminary Master Site Plan dated September 23, 2019. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan or Conditions of Approval. (ONGOING: CODE ENF - Zoning)

AMEND Architectural Review heading of Exhibit C-2, to read as follows:

ARCHITECTURAL REVIEW – BUILDING HEIGHT

MOVE Architectural Review – Building Height Condition 1 of Exhibit C-2 to Exhibit C-4.

AMEND Engineering Condition 2 of Exhibit C-3, to read as follows:

2. The Property Owner shall fund the construction plans, construction and construct Morikami Park Road from Jog Road to the project entrance to be consistent with Palm Beach County standards for a non-plan collector road plus the appropriate tapers, or as approved by the County Engineer. This construction shall be...

REPLACE Landscape Condition 7 of Exhibit C-3, to read as follows:

7. No width reduction or easement encroachment, excluding traversing easements, shall be permitted within the Incompatibility Buffers along the north east and west property lines. (BLDGPMT/ONGOING: ZONING – Zoning)

AMEND Planned Development Condition 1 of Exhibit C-3, to read as follows:

1. Prior to the issuance of the first Building Permit Certificate of Occupancy, the Property Owner shall plat the parking area as a separate tract of land. (BLDGPMT CO/PLAT: ZONING – Zoning)

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

THURSDAY NOVEMBER 7, 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

NOVEMBER 7, 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 Monday, November 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

- 1. [ABN/CA-2018-02106](#) Title: a Development Order Abandonment application of Trikon Northlake, LLC by Insite Studio, Agent. Request: to abandon the Special Exception allowing a Financial Institution with five Drive-Up Teller units.
Title: a Class A Conditional Use application of Trikon Northlake, LLC by Insite Studio, Agent. Request: to allow a Type 1 Restaurant with a drive-thru.
General Location: On the north side of Northlake Boulevard (Blvd), approximately 630 feet west of MacArthur Blvd. (**Trikon Northlake**) (Control 1986-00070)

Pages 1 - 1

Project Manager: Carrie Rechenmacher

Size: 2.77 acres ±

BCC District: 1

Staff Recommendation: Staff recommends a postponement to Friday, December 6, 2019.

MOTION: To postpone to Friday, December 6, 2019.

- 2. [Z/CA-2018-02236](#) Title: an Official Zoning Map Amendment application of Annie Vo Yen Pham by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CL-O) Zoning District.
Title: a Class A Conditional Use application of Annie Vo Yen Pham by Schmidt Nichols, Agent. Request: to allow a Medical or Dental Office.
General Location: Northeast corner of Lantana Road and Colbright Road (**Vo Professional Office**) (Control 2018-00157)

Pages 2 - 2

Project Manager: Ryan Vandenburg

Size: 3.11 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to Friday, December 6, 2019.

MOTION: To postpone to Friday, December 6, 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

D. ZONING APPLICATIONS - NEW

- 3. [CA-2019-00734](#) Title: a Class A Conditional Use application of Jeffrey Stefaniak, Monica Stefaniak by Land Research Management Inc., Agent. Request: to allow a Limited Pet Boarding Facility accessory to a Single Family residence.

General Location: Northwest corner of Mango Boulevard and 56th Place North. **(Friends of Peanut)** (Control 2018-00103)

Pages 3 - 16

Conditions of Approval Pages (8 - 8)

Project Manager: Brenya Martinez

Size: 1.26 acres ±

BCC District: 6

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Limited Pet Boarding Facility accessory to a Single Family residence subject to the Conditions of Approval as indicated in Exhibit C.

- 4. [CA-2019-00735](#) Title: a Class A Conditional Use application of Dianna Jordan, John Jordan by Land Research Management Inc., Agent. Request: to allow a Limited Pet Boarding Facility accessory to a Single Family residence.

General Location: North side of 64th Place North, approximately 995 feet west of Indian Trail Drive. **(Personalized Pet Sitting)** (Control 1998-50028)

Pages 17 - 30

Conditions of Approval Pages (22 - 22)

Project Manager: Brenya Martinez

Size: 1.36 acres ±

BCC District: 6

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Limited Pet Boarding Facility accessory to a Single Family residence subject to the Conditions of Approval as indicated in Exhibit C.

- 5. [Z-2019-01091](#) Title: Official Zoning Map Amendment application of David Cusano, Katlin Kahr, Moody Invs Ltd Ptrship, Norman Fraser by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Rezoning from the Residential Transitional (RT) Zoning District to the Single Family Residential (RS) Zoning District.

General Location: Northeast corner of Center Street and Woodside Trail. **(Moody/Carver)**
(Control 2010-00272)

Pages 31 - 56

Conditions of Approval Pages (35 - 35)

Project Manager: Cody Sisk

Size: 2.52 acres ±

BCC District: 1

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Single Family Residential (RS) Zoning District subject to the Condition of Approval as indicated in Exhibit C.

- 6. [ZV-2019-01253](#) Title: a Type 2 Variance application of Duke Realty Land LLC by Schmidt Nichols, Agent. Request: to eliminate a Loading Area Screening wall.

General Location: Northwest corner of North Jog Road and Belvedere Road. (**Turnpike Crossing East PIPD**) (Control 2005-00456)

Pages 57 - 77

Conditions of Approval Pages (61 - 61)

Project Manager: Travis Goodson

Size: 66.13 acres ±

BCC District: 2

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

MOTION: To adopt a Resolution approving a Type 2 Variance to eliminate a Loading Area Screening Wall, subject to the Conditions of Approval as indicated in Exhibit C.

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

- 7. [SV/DOA-2018-02134](#) Title: a Subdivision Variance application of Eastpointe Country Club, Inc., Eastpoint Hmowners. Assn., Inc., Golf and Racquet Club at Eastpointe Homeowners Assn., Inc., Northern Palm Beach County Improvement District, by Urban Design Kilday Studios, Agent. Request: to exceed the maximum Average Daily Trips (ADT's) on a Local Residential Street. Title: a Development Order Amendment application of Eastpointe Country Club, Inc. by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master Plan to re-designate Golf Course to Residential; add units; modify Pods; delete land area; and, to modify Conditions of Approval.

General Location: The subject site is generally bounded by Donald Ross Road to the north, North Jog Road to the west, Hood Road to the south, and Florida's Turnpike to the east. **(Eastpointe Country Club)** (Control 1980-00028)

Pages 78 - 140

Conditions of Approval Pages (87 - 90)

Project Manager: Ryan Vandenburg

Size: 638.88 acres ±

(affected area 58.21 acres ±)

BCC District: 1

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

MOTION: To adopt a resolution approving a Subdivision Variance to exceed the maximum Average Daily Trips (ADT's) on a Local Residential Street subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan to re-designate Golf Course to Residential; add units; modify Pods; delete land area; and, to modify Conditions of Approval, subject to Conditions of Approval as indicated in Exhibit C-2.

8. [ZV/CA-2019-00294](#) Title: a Type 2 Variance application of Hypoluxo Plaza II LLC, Sidhdhi Desai by Schmidt Nichols, Agent. Request: to eliminate the requirement for frontage; to reduce minimum lot size and depth; and, to reduce the width of the Right of Way (R-O-W) Buffer and a Type 2 Incompatibility Buffer.

Title: a Class A Conditional Use application of Hypoluxo Plaza II LLC, Sidhdhi Desai by Schmidt Nichols, Agent. Request: to allow a Type 1 Restaurant with a Drive-thru.

General Location: South side of Hypoluxo Road, approximately 200 feet east of High Ridge Road. **(Ridgeline Dunkin)** (Control 1985-00122)

Pages 141 - 182

Conditions of Approval Pages (149 - 151)

Project Manager: Travis Goodson

Size: 0.47 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the requests. However, should the Zoning Commission approve the request, Staff recommends the approval be subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

MOTION: To adopt a Resolution denying a Type 2 Variance to eliminate the requirement for frontage; to reduce minimum lot size and depth; and, to reduce the width of the Right of Way (R-O-W) Buffer and a Type 2 Incompatibility Buffer.

MOTION: To recommend denial of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-thru.

- 9. [ZV/PDD/CA-2019-00327](#) Title: a Type 2 Variance application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to eliminate frontage and access on an Arterial or Collector Street; and, to reduce a side setback.
Title: an Official Zoning Map Amendment application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Planned Unit Development (PUD) Zoning District.
Title: a Class A Conditional Use application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a Type 3 Congregate Living Facility.
General Location: North side of Morikami Park Road, approximately 310 feet west of Jog Road. **(Holden of Delray Beach)** (Control 2008-00133)

Pages 183 - 233

Conditions of Approval Pages (195 - 200)

Project Manager: Meredith Leigh

Size: 7.23 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the Type 2 Variance to eliminate frontage and access on an Arterial or Collector street subject to the Conditions of Approval as indicated in Exhibit C-1.

Staff recommends denial of the Type 2 Variance to reduce a side setback. However, should the Zoning Commission approve the request, Staff recommends the approval be subject to the Conditions of Approval as indicated in Exhibit C-2.

Staff recommends approval of the Official Zoning Map Amendment and Class A Conditional Use requests subject to the Conditions of Approval as indicated in Exhibit C-3 and C-4.

MOTION: To adopt a resolution approving a Type 2 Variance to eliminate frontage and access on an Arterial or Collector Street subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution denying a Type 2 Variance to reduce a side setback.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Planned Unit Development (PUD) Zoning District 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 3 Congregate Living Facility 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

10. [Title: 2020 Zoning Commission Hearing Dates.](#)

Pages 234 - 234

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT

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