

ADD Landscaping – Interior Condition 6 of Exhibit C-1, as follows:

6. Landscaping for the west edge of the Dry Detention area shall include:
a. a minimum of seven (7) Canopy trees; and,
b. approval to install these trees shall be subject to the approval by the Land Development Division. In the event that the Division objects to this requirement, then the applicant is exempt from the additional tree planting. (BLDGPMT/DRO: ZONING - Zoning)

3. (51-52) DOA-2018-01316 Southern Station
(1983-00045)

DELETE Engineering Condition 3 of Exhibit C-1.

AMEND Engineering Condition 7 of Exhibit C-1, as follows:

7. The Property Owner shall construct an east approach, right turn lane ~~east approach on Southern Station, for the Southern Boulevard at the intersection of Southern Boulevard~~ and Benoist Farms Road intersection, as required and approved by the Florida Department of Transportation.

This construction shall be concurrent with the paving and drainage improvements for the site. 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

REGULAR AGENDA

D. ZONING APPLICATIONS – NEW

10. (267) PDD-2019-00292 Broward Rentals MUPD
(2016-00130)

AMEND Landscape Perimeter Condition 1 of Exhibit C, as follows:

~~In addition to Code requirements, the required The~~ Type 3 Incompatibility Buffer along the eastern 309 feet of the south property line shall be upgraded to include:

- ~~a. a minimum of fifty (50) feet foot in width, as delineated on the Preliminary Site Plan dated July 16, 2019;~~
- ~~b. a second row of canopy trees, to be planted twenty (20) feet on center and alternating with the canopy trees required by code.~~
- ~~c. one (1) palm or pine for each thirty (30) linear feet of this buffer.~~
- ~~b. a six (6) foot high concrete panel wall to be located in the middle of the buffer width;~~
- ~~c. One (1) Canopy tree for each ten (10) lineal feet of the length of the buffer. Trees shall be planted on both sides of the wall;~~
- ~~d. One (1) palm for each fifteen (15) lineal feet of the length of the buffer;~~
- ~~e. One (1) medium shrub per two (2) lineal feet of the buffer length;~~
- ~~f. One (1) small shrub per one lineal foot of the buffer length; and,~~
- ~~g. Shrubs shall be planted on both sides of the wall. (ONGOING/DRO: ZONING - Zoning)~~

AMEND Use Limitation Condition 2 of Exhibit C:

2. Hours of ~~business~~ operation for outdoor activities related to the Heavy Repair and Maintenance use shall be limited to 7 a.m. to 7 p.m. Monday through Saturday, ~~including deliveries.~~ (ONGOING CODE ENF – Zoning)



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July 9, 2019

Jon P. MacGillis, ASLA, Director
PALM BEACH COUNTY ZONING DIVISION
Vista Center, 2nd Floor
2300 N. Jog Road
West Palm Beach, FL 33411

Patricia Behn, Interim Director
PALM BEACH COUNTY PLANNING DIVISION
Vista Center, 2nd Floor
2300 N. Jog Road
West Palm Beach, FL 33411

SENT VIA E-MAIL

Re: Banyan Cove
Application Numbers: Z/CA-2017-01996 & SCA 2018-004
Control No. 2014-0078

Dear Jon & Patricia:

At this time, we respectfully request withdrawal of the Rezoning and Small Scale Land Use Amendment applications for the Banyan Cove project and reimbursement of any eligible application fees related to this application.

We appreciate your consideration of this request.

Sincerely,

MILLER LAND PLANNING, INC.

Bradley D. Miller, AICP
President

cc via email: William Cross, AICP
Meredith Leigh, PhD, ASLA
Lorraine Fuster
Michael Howe

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

THURSDAY AUGUST 1, 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

AUGUST 1, 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, August 22, 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

- 1. [ABN/PDD/CA-2017-00983](#) 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 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 1 - 1

Project Manager: Carolina Valera

Size: 22.54 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Applicant's request to remand to the Development Review Officer.

MOTION: To approve the Applicant's request to remand to the Development Review Officer.

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-2018-01003](#) Title: a Type 2 Variance application of PS Florida One, Inc. by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to eliminate a Right of Way (R-O-W) Buffer and eliminate foundation planting.

Title: a Development Order Amendment application of PS Florida One, Inc. by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reconfigure the Site Plan to add square footage; and, modify Conditions of Approval (Building and Site Design).

General Location: Northwest corner of Cypress Lakes Preserve Drive and State Road 7. (Cypress Lake Preserve MUPD) (Control 2000-00020)

Pages 2 - 42

Conditions of Approval Pages (9 - 17)

Project Manager: Carolina Valera

Size: 5.81 acres ±

BCC District: 6

(affected area 2.05 acres ±)

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

MOTION: To adopt a Resolution to rescind a Type 2 Variance to reduce a Right-of-Way (R-O-W) Buffer width; eliminate foundation planting; and, increase the utility easement overlap in a R-O-W Buffer.

MOTION: To adopt a Resolution approving a Type 2 Variance to eliminate a Right-of-Way (R-O-W) Buffer and foundation planting 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 to add square footage; and, modify Conditions of Approval (Building and Site Design) subject to the Conditions of Approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

3. [DOA-2018-01316](#) Title: a Development Order Amendment application of JCL Management, LLC by Halperin Law, Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan for a Convenience Store with Gas Sales and a Type I Restaurant with drive-through; and, to amend Conditions of Approval (Engineering).

General Location: Northeast corner of Southern Boulevard & Benoist Farms Road (**Southern Station**) (Control 1983-00045)

Pages 43 - 69

Conditions of Approval Pages (48 - 56)

Project Manager: Ryan Vandenburg

Size: 1.93 acres ±

BCC District: 2

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan for a Convenience Store with Gas Sales; and, to amend Conditions of Approval (Engineering), 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 for a Type 1 Restaurant with drive-through; and, to amend Conditions of Approval, subject to Conditions of Approval as indicated in Exhibit C-2.

4. [Z-2018-02095](#) Title: an Official Zoning Map Amendment application of 10225 Investments, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District.

General Location: North side of Sandalfoot Boulevard, approximately 950 feet west of South State Road 7. (**Rose Garden**) (Control 2013-00287)

Pages 70 - 82

Conditions of Approval Pages (74 - 75)

Project Manager: Meredith Leigh

Size: 1.21 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone and 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 Agricultural Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District, subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C.

5. [Z-2019-00519](#) Title: an Official Zoning Map Amendment application of Belvedere Westgate CRA, Palm Beach County by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) and Multifamily Residential High Density (RH) Zoning Districts to the General Commercial (CG) Zoning District, with a Conditional Overlay Zone (COZ).

General Location: North and south side of Westgate Avenue between Seminole Boulevard and Suwanee Drive. **(Westgate CRA - Rezoning)** (Control 1994-00094)

Pages 83 - 95

Conditions of Approval Pages (88 - 88)

Project Manager: Cody Sisk

Size: 2.59 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone and 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 Neighborhood Commercial (CN) and Multifamily Residential High Density (RH) Zoning Districts to the General Commercial (CG) Zoning District, subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C.

6. [ZV/W/PDD/CA-2018-01784](#) Title: a Type 2 Variance application of Miller Property Investment, LLC by South East Architect Services Inc., Agent. Request: to reduce drive aisle width.

Title: a Type 2 Waiver application of Miller Property Investment, LLC by South East Architect Services Inc., Agent. Request: to reduce the frontage required for a Planned Development District.

Title: an Official Zoning Map Amendment application of Miller Property Investment, LLC by South East Architect Services Inc., 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 Miller Property Investment, LLC by South East Architect Services Inc., Agent. Request: to allow a Workforce Housing Program Density Bonus greater than 30 percent.

General Location: South side of Hypoluxo Road, approximately 0.20 miles east of South Military Trail. **(Icon Residential Community)** (Control 2006-00014)

Pages 96 - 137

Conditions of Approval Pages (105 - 109)

Project Manager: Brenya Martinez

Size: 5.04 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-4.

MOTION: To adopt a resolution approving a Type 2 Variance to reduce drive aisle width subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Type 2 Waiver to reduce the frontage required for a Planned Development District subject to the 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 Agricultural Residential (AR) 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 Workforce Housing Program Density Bonus greater than 30 percent subject to the Conditions of Approval as indicated in Exhibit C-4.

7. [ZV-2019-00671](#) Title: a Type 2 Variance application of JMC LV Real Estate Company, Manheim Remarketing Inc by Urban Design Kilday Studios, Agent. Request: to eliminate outdoor lighting, and security lighting for parking lots.
General Location: East side of Sansburys Way, approximately 800 feet north of Southern Boulevard. (**Manheim Palm Beach MUPD**) (Control 2005-00641)

Pages 138 - 168

Conditions of Approval Pages (144 - 144)

Project Manager: Travis Goodson

Size: 91.59 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 outdoor lighting, and security lighting for parking lots, subject to the Conditions of Approval as indicated in Exhibit C.

8. [DOA/CB-2018-02126](#) Title: Development Order Amendment application of CWA Union Bldg Inc Local 3112, Vertical Bridge Development, LLC - Dan Marinberg by Schmidt Nichols, Agent. Request: To reconfigure the Site Plan; reduce square footage; eliminate a soft ball field; and, reduce the number of parking spaces.
Title: Class B Conditional Use application of CWA Union Bldg Inc Local 3112, Vertical Bridge Development, LLC - Dan Marinberg by Schmidt Nichols, Agent. Request: To allow a Stealth Tower between 125 and 200 feet in height.
General Location: East side of First Street, approximately 0.5 miles north of Southern Boulevard. (**Vertical Bridge Stealth Tower**) (Control 1985-00175)

Pages 169 - 211

Conditions of Approval Pages (174 - 177)

Project Manager: Carolina Valera

Size: 4.88 acres ±

BCC District: 2

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 recommend approval of a Development Order Amendment to reconfigure the Site Plan; reduce square footage; eliminate a soft ball field; and, reduce the number of parking spaces 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 Stealth Tower between 125 and 200 feet in height subject to the Conditions of Approval as indicated in Exhibit C-2.

9. [SV/ZV/ABN/CA-2018-01348](#) Title: a Subdivision Variance application of Dolphin Stations LLC, School Property Dev Glen Ridge LLC by Schmidt Nichols, Agent. Request: to allow direct access to an Arterial.
Title: a Type 2 Variance application of Dolphin Stations LLC, School Property Dev Glen Ridge LLC by Schmidt Nichols, Agent. Request: to allow a 24-hour operation within 250 feet of a parcel with a residential Future Land Use designation or Use.
Title: a Development Order Abandonment application of Dolphin Stations LLC, School Property Dev Glen Ridge LLC by Schmidt Nichols, Agent. Request: to abandon a Special Exception for an Auto Service Station.
Title: a Class A Conditional Use application of Dolphin Stations LLC, School Property Dev Glen Ridge LLC by Schmidt Nichols, Agent. Request: to allow a Retail Gas and Fuel Sales with a Convenience Store and a Type 1 Restaurant with Drive-through.
General Location: Northeast corner of Congress Avenue and Summit Boulevard (**APEC**) (Control 1988-00021)

Pages 212 - 259

Conditions of Approval Pages (221 - 225)

Project Manager: Carolina Valera

Size: 2.79 acres ±

BCC District: 2

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

MOTION: To adopt a Resolution approving a Subdivision Variance to allow direct access to an Arterial subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Type 2 Variance to allow a 24-hour operation within 250 feet of a parcel with a residential Future Land Use designation or Use subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Abandonment to abandon a Special Exception for an Auto Service Station subject.

MOTION: To recommend approval of a Class A Conditional Use to allow Retail Gas and 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 Drive-through 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

- 10. [PDD-2019-00292](#) Title: an Official Zoning Map Amendment application of Broward Rentals, Inc., Greg DiMaria by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

General Location: South side of Atlantic Avenue, approximately 0.2 miles east of State Road 7/US 441. **(Broward Rentals MUPD)** (Control 2016-00130)

Pages 260 - 283

Conditions of Approval Pages (266 - 268)

Project Manager: Carolina Valera

Size: 10.53 acres ±

BCC District: 5

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 Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C.

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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