



**ZONING COMMISSION
 AMENDMENTS TO THE AGENDA
 AUGUST 3, 2023**

CONSENT AGENDA

4. ZV/ABN/DOA/W-2022-01312 Posh Hospitality No 3.

AMEND – Type 2 Variance Chart in the Staff Report to reorder the Variance requests with the deleted text struck out and added text underlined

ULDC Article	Required	Proposed	Variance
V1 - 3.E.3.D MUPD Property Development Regulations	Minimum 5 acres	2.78 acres	Reduction of 2.22 acres
V2 - 3.E.3.D MUPD Property Development Regulations	<u>45 foot front setback</u> 45 foot side street setback	<u>26 feet</u> 26.6 foot side street setback from Kentucky Street	<u>Reduction of 19 feet</u> Reduction of 18.4 feet
V3 - 3.E.3.D MUPD Property Development Regulations	<u>45 foot side street setback</u> 45 foot front setback	<u>26.6 feet side street setback from Kentucky Street</u> 26 feet	<u>Reduction of 18.4 feet</u> Reduction of 19 feet

AMEND – Development Order Amendment to add Engineering Conditions 2 through 7 for Exhibit C-2 with the deleted text struck out and added text underlined.

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Congress Avenue, 60 feet plus expanded intersection, measured from centerline of the proposed right of way on an alignment approved by the FDOT and County Engineer. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

4. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for the 25 foot corner clip at the southeast corner of Congress Avenue and Kentucky Street as approved by the FDOT and County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

5. Prior to the recordation of the plat, the Property Owner shall abandon the portion of Oklahoma Street right-of-way adjacent to the south property line. (PLAT: ENGINEERING - Engineering)

6. The Property Owner shall reconstruct Kentucky Street from Congress Avenue to the project entrance plus tapers to be consistent with Palm Beach County standards for a local commercial road. 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.

a. Permits required for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

7. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

REGULAR AGENDA

6. ZV/PDD/CA-2022-01785 BC Commerce Center

AMEND – Type 2 Variance to revise All Petitions Condition 1 and 3 and Compliance Condition 1 shown in Exhibit C-1 with the deleted text struck out and added text underlined.

ALL PETITIONS:

1. The approved Preliminary Site Plan is dated June 15, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission.

~~This Variance is approved based on the layout as shown on the Preliminary Site Plan dated June 15, 2023. Only minor modifications by the Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan.~~ (ONGOING: ZONING - Zoning)

3. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD/CA-2022-0-01785. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: ZONING - Zoning)

COMPLIANCE:

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

7. ZV/PDD-2022-01755 Logan Ranch Residential

AMEND – Type 2 Variance to revise All Petitions Condition 1 shown in Exhibit C-1 with the deleted text struck out and added text underlined.

ALL PETITIONS:

1. The approved Preliminary Site Plan is dated June 15, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission.

~~This Variance is approved based on the layout as shown on the Preliminary Site Plan dated June 15, 2023. Only minor modifications by the Board of County Commissioner or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan~~ (ONGOING: ZONING - Zoning)

AMEND – Official Zoning Map Amendment to revise the condition heading shown in Exhibit C-2 as follows:

ALL PETITIONS:



ZONING COMMISSION MEETING

Thursday, August 3, 2023

9:00 a.m., 1st Floor, Vista Center

2300 N. Jog Road, West Palm Beach, FL 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. Swearing In
- G. Approval of the Minutes
- H. Amendments to the Agenda
- I. Disclosures for All Items on Agenda
- J. Conflicts/Recusals

POSTPONEMENTS/REMANDS/WITHDRAWALS

CONSENT

REGULAR

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 3, 2023

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 enter, 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, August 24, 2023** to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional 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:

- 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. Swearing In - County Attorney
- G. Approval of the Minutes - [Motion to approve the minutes](#)
- H. Amendments to the Agenda
 - Presentation of Add/Delete
 - Request to Pull Items from Consent
 - **Motion** to adopt the Agenda
- I. Disclosures for All Items on Agenda
- J. Conflicts/Recusals

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. Postponements / Remands

1. [DOA-2022-1119](#) **Southampton PUD** (Control 1973-00215)

Zoning Application of Southampton A Condominium Association, Inc., KL Reflection Bay LLC, Southampton B Condominium Association, Inc., Southampton C Condominium Association, Inc., Benenson Capital Co by WGINC, Agent.

Location: Southeast corner of Century Road and Haverhill Road, approximately 630 feet north of Okeechobee Boulevard

a. Title: a Development Order Amendment **Request:** to modify the Master and Site Plans; add land area, units, and access points; and to modify Conditions of Approval on 80.98 acres

Project Manager: Imene Haddad

BCC District: 2

MOTION: No motion require for item 1.a. Administratively postponed to September 7, 2023.

B. Withdrawals

- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. Requests to Pull Items From Consent

B. Zoning Applications

2. [ABN/Z-2023-00330](#) **Palm Beach County Fire Station No. 24** (Control 1990-00023)

Zoning Application of Palm Beach County by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Palm Beach County, Agent.

Location: Southwest corner of Westgate Avenue and Seminole Avenue.

Project Manager: Larry D'Amato

BCC District: 7

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

a. Title: a Development Order Abandonment **Request:** to abandon a Special Exception for a Vehicle Sales and Rental use on 0.60 acres

MOTION: No motion required for item 2.a

b. Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Neighborhood Commercial (CN) and the General Commercial (CG) Zoning District to the Public Ownership (PO) Zoning District on 1.35 acres

MOTION: To recommend approval of item 2.b

3. [DOA-2022-01120](#) **441 Lantana Storage** (Control 2002-00027)

Zoning Application of 441 Lantana Storage Limited Partnership by Schmidt Nichols, Agent.

Location West side of State Road 7/US 441 approximately 800 feet north of Lantana Road

Project Manager: Jordan Jafar

BCC District: 6

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

- a. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan; add square footage; and modify Conditions of Approval on 12.63 acres

MOTION: To adopt a resolution approving of item 3.a.

4. [SV/ZV/ABN/DOA/W-2022-01312](#) **Posh Hospitality No 3** (Control 1977-00031)

Zoning Application of Restoration Property Holdings Inc., Posh Hospitality No. 3, Congress Avenue LLC by Dunay, Miskel and Backman, LLP, Agent.

Location: Southeast corner of Kentucky Street and South Congress Avenue

Project Manager: Jerome Ottey

BCC District: 3

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

- a. **Title:** a Type 2 Variance **Request:** to eliminate access on an arterial/collector street; to reduce the lot size, width, frontage, front and side street setbacks; and number of parking on 2.78 acres

MOTION: To adopt a resolution approving item 4.a

- b. **Title:** a Development Order Abandonment **Request:** to abandon a Hotel use on 2.48 acres

MOTION: No motion required for item 4.b

- c. **Title:** a Development Order Amendment **Request** to reconfigure the Site Plan, add land area and access points; and to delete square footage on 2.78 acres

MOTION: To recommend approval of item 4.c

- d. **Title:** a Type 2 Waiver **Request** to allow an extension of the hours of operation for a Non-Residential use located within 250 feet of a parcel of land with a residential future land use designation or use on 2.78 acres

MOTION: To recommend approval of item 4.d

- END OF CONSENT AGENDA -

REGULAR AGENDA

A. Items Pulled From Consent

B. Zoning Applications

5. [PDD-2022-01470](#) **EJKJ Industrial** (Control 2022-00076)

Zoning Application of EJKJ Development LLC by JMorton Planning & Landscape Architecture, Agent.

Location: West side of State Road 7, approximately 0.25 mile south of Atlantic Avenue

Project Manager: Carlos Torres

BCC District: 5

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

- a. **Title:** an Official Zoning Map Order Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 8.11 acres

MOTION: To recommend approval of item 5.a

6. [ZV/PDD/CA-2022-01785 BC Commerce](#) (Control 2016-00163)

Zoning Application of Jon Channing, BC Boynton Industrial, LLC, Randall Thorne, Paul Dye by JMorton Planning & Landscape Architecture, Agent.

Location: Northeast corner of Boynton Beach Boulevard and Acme Dairy Road

Project Manager: Carlos Torres

BCC District: 5

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

- a. **Title:** a Type 2 Variance **Request:** to allow a 100 percent buffer overlap within a preserve on 47.21 acres

MOTION: To adopt a resolution approving item 6.a

- b. **Title:** an Official Zoning Map Order Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 47.21 acres

MOTION: To recommend approval of item 6.b

- c. **Title:** a Class A Conditional Use **Request** to allow a Brewery-Distillery Manufacturing and Processing use with a Taproom on 47.21 acres

MOTION: To recommend approval of item 6.c

- d. **Title:** a Class A Conditional Use **Request** to allow a Limited Access Self Service Storage on 47.21 acres

MOTION: To recommend approval of item 6.d

7. [ZV/PDD-2022-01755 Logan Ranch Residential](#) (Control 2018-00187)

Zoning Application of Logan Barbara M Trust by JMorton Planning & Landscape Architecture, Agent.

Location: Southeast corner of Boynton Beach Boulevard and Acme Dairy Road.

Project Manager: Matthew Boyd

BCC District: 5

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

- a. **Title:** a Type 2 Variance **Request:** to allow a 100 percent buffer overlap within a preserve on 39.24 acres

MOTION: To adopt a resolution approval of item 7.a

- b. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 39.24 acres

MOTION: To recommend approval of item 7.b

- END OF REGULAR AGENDA -

COMMENTS

- A. COUNTY ATTORNEY
- B. ZONING DIRECTOR
- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. COMMISSIONERS

ADJOURNMENT

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