



**ZONING COMMISSION  
ZONING MEETING  
AMENDMENTS TO THE AGENDA  
SEPTEMBER 3, 2015**

**AGENDA**

<b><u>ITEM #</u></b>	<b><u>PAGE #</u></b>	<b><u>APPLICATION AND CONTROL #S</u></b>	<b><u>APPLICATION NAME</u></b>
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**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

- |    |           |                                     |                                   |
|----|-----------|-------------------------------------|-----------------------------------|
| 4. | (78-118)  | PDD/R-2015-00755<br>(2005-00506)    | Providence Living in Delray Beach |
| 6. | (152-204) | ZV/DOA/R-2015-00326<br>(1986-00150) | Lakeside Centre                   |

**D. ZONING APPLICATIONS – NEW**

- |    |        |                                  |              |
|----|--------|----------------------------------|--------------|
| 1. | (1-29) | SV/ZV-2014-02513<br>(2014-00206) | Sunspire CLF |
|----|--------|----------------------------------|--------------|

**AMEND VARIANCE – Condition 1 to read as follows:**

- 1. This Variance is approved for the Congregate Living Facility Type III use. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

- |    |           |                                  |                         |
|----|-----------|----------------------------------|-------------------------|
| 5. | (119-151) | DOA/R-2015-01039<br>(1984-00130) | Vista Center Parcel 21S |
|----|-----------|----------------------------------|-------------------------|

**DELETE** Engineering Condition #12

**REGULAR AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

- |    |          |                                  |                                   |
|----|----------|----------------------------------|-----------------------------------|
| 4. | (78-118) | PDD/R-2015-00755<br>(2005-00506) | Providence Living in Delray Beach |
|----|----------|----------------------------------|-----------------------------------|

**AMEND PLANNED DEVELOPMENT Condition 1 to read as follows:**

- 1. Prior to Final Approval by the Development Review Officer, the Master Plan shall be revised to remove any indication of interior driveways and sidewalks from the Master Plan and relocate the Frost Lane access 90 feet east of the western property line. (DRO: ZONING - Zoning)

**ADD LANDSCAPE-PERIMETER Condition 2 and 5 to read as follows:**

2. LANDSCAPING ALONG THE EASTERN PROPERTY LINE

In addition to the Code requirements, the ROW Buffer along the eastern property line shall include a 2 foot high berm. (DRO: ZONING-Zoning)

3. LANDSCAPING ALONG THE SOUTHERN PROPERTY LINE

Prior to Final Plan approval by the Development Review Officer, the Applicant shall provide a tree survey along the southern thirty (30) feet of property line. Applicant shall meet with Zoning Staff to preserve the maximum amount of vegetation on site. (DRO: ZONING-Zoning)

4. LANDSCAPING-GENERAL

All preserved trees (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees (ONGOING: ZONING-Zoning)

5. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection devices are installed. (ERM/BLDG:ZONING-Zoning)

6. (152-204) ZV/DOA/R-2015-00326 Lakeside Centre  
(1986-00150)

**AMEND** ALL PETITIONS – Condition 2 to read as follows:

2. The approved Preliminary Site Plan is dated ~~June 22~~ July 9, 2015...



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

**THURSDAY SEPTEMBER 3, 2015**

**9:00 A.M.**

**Vista Center, Ken Rogers Hearing Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach**

**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**

**SEPTEMBER 3, 2015**

**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 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 may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. 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, September 24, 2015 to take final action on the applications listed below.

- 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**

1. [SV/ZV-2014-02513](#) Title: a Subdivision Variance application of KBHS Reo LLC by Urban Design Kilday Studios, Agent. Request: to allow access onto a 36 foot Right-of-Way.  
Title: a Type II Variance application of KBHS Reo LLC by Urban Design Kilday Studios, Agent. Request: to allow backout egress into a street; to eliminate a Right-of-Way buffer; and to allow a reduction in the side setback for existing buildings.  
General Location: Approximately 465 feet south of Northlake Boulevard on the west side of Lyndal Lane. **(Sunspire CLF)** (Control 2014-00206)

Pages 1 - 29

Conditions of Approval Pages (7 - 8)

Project Manager: Donna Adelsperger

Size: 0.86 acres ±

BCC District: 1

Staff Recommendation: Engineering Staff recommends approval of the Subdivision Variance subject to 5 Conditions of Approval as indicated in Exhibit C-1; and Zoning Staff recommends approval of the Type II Variances subject to 9 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving the Subdivision Variance to allow access onto a 36 foot Right-of-Way subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a resolution approving Type II Variances to allow backout egress into a street; to eliminate a Right-of-Way buffer; and to allow a reduction in the side setback for existing buildings subject to the Conditions of Approval as indicated in Exhibit C-2.

2. [ZV-2015-00734](#) Title: a Type II Variance application of Suncap West Palm Beach LLC by Akerman LLP, Agent. Request: to allow the encroachment of a utility easement in a Right-of-Way buffer and an increase in height of a fence in a landscape buffer.  
General Location: Southeast corner of Pike Road and 7th Place North. **(Federal Express Distribution Center)** (Control 1996-00041)

Pages 30 - 48

Conditions of Approval Pages (34 - 34)

Project Manager: Roger Ramdeen

Size: 27.23 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 8 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a Resolution approving a Type II Variance to allow the encroachment of a utility easement in a Right-of-Way buffer and an increase in height of a fence in a landscape buffer subject to the Conditions of Approval as indicated in Exhibit C.

**D. ZONING APPLICATIONS - NEW**

3. [DOA/R/ABN-2015-00323](#) Title: a Development Order Amendment application of Ramco-Gershenson Properties L.P. by Holland & Knight LLP, Agent. Request: to reconfigure the site plan and add a Requested Use.  
Title: a Requested Use application of Ramco-Gershenson Properties L.P. by Holland & Knight LLP, Agent. Request: to allow a Fitness Center.  
Title: a Development Order Abandonment application of Ramco-Gershenson Properties L.P. by Holland & Knight LLP, Agent. Request: to abandon the Requested Use, granted under Resolution R-1993-1361, to allow Indoor Entertainment.  
General Location: Northwest of Glades Road and SR7/US 441. **(Mission Bay)** (Control 1984-00099)

Pages 49 - 77

Conditions of Approval Pages (54 - 60)

Project Manager: Osniel Leon

Size: 30.75 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 34 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use to allow a Fitness Center subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon the Requested Use, granted under Resolution R-1993-1361, to allow Indoor Entertainment.

4. [PDD/R-2015-00755](#) Title: an Official Zoning Map Amendment to a Planned Development District application of Providence I Investments LLC by Wantman Group Inc., Agent. Request: to allow a rezoning from Agriculture Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.  
Title: a Requested Use application of Providence I Investments LLC by Wantman Group Inc., Agent. Request: to allow a Type 3 Congregate Living Facility.  
General Location: Approximately 0.5 mile north of Atlantic Avenue on the west side of Sims Road. **(Providence Living in Delray Beach)** (Control 2005-00506)

Pages 78 - 118

Conditions of Approval Pages (84 - 87)

Project Manager: Christine Stivers

Size: 7.57 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 12 Conditions of Approval as indicated in Exhibit C-1 and 8 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agriculture 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 Requested Use to allow a Type 3 Congregate Living Facility subject to the Conditions of Approval as indicated in Exhibit C-2.

5. [DOA/R-2015-01039](#) Title: a Development Order Amendment application of Athena Vista Ltd by Wantman Group Inc., Agent. Request: to add a use to the Master Plan, to reconfigure Site Plan, and to add a Requested Use within Parcel 21S.  
Title: a Requested Use application of Athena Vista Ltd by Wantman Group Inc., Agent. Request: to allow a College or University.  
General Location: East of Jog Rd, West of Vista Parkway, north of Okeechobee Blvd. **(Vista Center Parcel 21S)** (Control 1984-00130)

Pages 119 - 151

Conditions of Approval Pages (125 - 141)

Project Manager: Melissa Matos

Size: 5.28 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 58 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Amendment to add a use to the Master Plan, to reconfigure the Site Plan, and to add a Requested Use within Parcel 21S subject to the Conditions of approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use to allow a College or University subject to the Conditions of approval as indicated in Exhibit C-2.

6. [ZV/DOA/R-2015-00326](#) Title: a Type II Variance application of Lakeside Dev Corp by Urban Design Kilday Studios, Agent. Request: to allow a reduction of the right-of-way buffer along Glades Road.  
Title: a Development Order Amendment application of Lakeside Dev Corp by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan, modify and delete Conditions of Approval (Signage), and add two Requested Uses.  
Title: a Requested Use application of Lakeside Dev Corp by Urban Design Kilday Studios, Agent. Request: to allow two (2) Type I Restaurants.  
General Location: Southwest of corner of Glades Road, and Boca Rio Road. **(Lakeside Centre)** (Control 1986-00150)

Pages 152 - 204

Conditions of Approval Pages (160 - 168)

Project Manager: Carrie Rechenmacher

Size: 22.85 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; 34 Conditions of Approval as indicated in Exhibit C-2; 4 Conditions of Approval as indicated in Exhibit C-3; and, 4 Conditions of Approval as indicated in Exhibit C-4.

**MOTION:** To adopt a resolution to allow a Type II Variance to allow a reduction of the right-of-way buffer along Glades Road 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 and delete Conditions of Approval (Signage), and add two Requested Uses subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval to allow two (2) Type I Restaurants subject to the Conditions of Approval as indicated in Exhibits C-3 and C-4.

## E. CORRECTIVE RESOLUTIONS

## F. SUBDIVISION VARIANCE



**REGULAR AGENDA****A. ITEMS PULLED FROM CONSENT****B. STATUS REPORTS****C. PREVIOUSLY POSTPONED ZONING APPLICATIONS****D. ZONING APPLICATIONS - NEW**

7. [ZV-2015-00925](#) Title: a Type II Variance application of Doherty Florida West Delray, LLC by Jon E Schmidt & Associates, Agent. Request: to allow extended hours within 250 feet of a residential district.

General Location: Southeast corner of Jog Road and West Atlantic Avenue. **(Atlantic Square Applebees)** (Control 1981-00109)

Pages 205 - 229

Conditions of Approval Pages (211 - 211)

Project Manager: Roger Ramdeen

Size: 0.27 acres  $\pm$

BCC District: 5

Staff Recommendation: Staff recommends denial of the request.

**MOTION:** To adopt a Resolution denying a Type II Variance to allow extended hours within 250 feet of a residential district.

8. [ZV-2015-00750](#) Title: a Type II Variance application of Minto PBLH LLC by Cotleur & Hearing Inc., Agent. Request: to allow modification to the Traditional Town Development (TDD) Street Design Standards for Collector Streets with and without on-street parking (Utility Corridor, Sidewalks, Tree lawn, and Curb and Gutter).

General Location: South of Orange Blvd. and Seminole Pratt Whitney Road, north of 50th Street North. **(Minto West Phase I Roadway Town Center Parkway)** (Control 2006-00397)

Pages 230 - 264

Conditions of Approval Pages (238 - 238)

Project Manager: Christine Stivers

Size: 3,788.60 acres  $\pm$

BCC District: 6

(affected area 137.20 acres  $\pm$ )

Staff Recommendation: Staff recommends approval for the requests subject to 5 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Type II Variance to allow modification to the Traditional Town Development (TDD) Street Design Standards for Collector Streets with and without on-street parking (Utility Corridor, Sidewalks, Tree lawn, and Curb and Gutter) subject to the Conditions of Approval as indicated in Exhibit C.

9. [ZV-2015-00122](#) Title: a Type II Variance application of Minto PBLH LLC by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum lot width; an increase in building coverage; a reduction in front and side setbacks; and to allow one housing type.  
General Location: East of Seminole Pratt Whitney Road, and north of Town Center Parkway, approximately 1 mile south of Orange Boulevard. ( **Minto West Pod Q**) (Control 2006-00397)

Pages 265 - 302

Conditions of Approval Pages (275 - 276)

Project Manager: Carrie Rechenmacher

Size: 3,788.60 acres  $\pm$

BCC District: 6

(affected area 118.09 acres  $\pm$ )

Staff Recommendation: Staff recommends denial of the requests.

**MOTION:** To adopt a resolution denying Type II Variances to allow a reduction in the minimum lot width; an increase in building coverage; and a reduction in front and side setbacks.

## E. SUBDIVISION VARIANCE

10. [SD-147](#) Title: a Subdivision Variance application of The Falls Country Club, by Coutleur and Hearing, Agent. Request: to modify conditions of approval imposed by the Zoning Commission on ZR-2015-006 on February 5, 2015 pursuant to the applicant's request for variance from the requirement that access to each subdivision lot shall be provided by and limited to local streets or residential access streets. Specifically for modification of Condition 2: to increase driveway connection from one to two, to include egress to Jog Rd, to delete the requirement for right turn lane; for modification of Condition 5: to construct a right turn lane within the existing Palm Beach County right-of-way at the project's eastern entrance onto Hypoluxo Road and delete the requirement for acquisition of any additional required right-of-way; for deletion of Conditions 4 and 6; and a change to the legal description of the property subject to the variance request.

General Location: Northwest corner of Jog Road and Hypoluxo Road (The Falls Commercial) (Control 1985-00155)

Pages: 303 to 313

Conditions of Approval Pages: 310 - 311

Project Manager: Joanne Keller

Size: 171.32 +/- acres

Pages 303 - 313

Staff Recommendation: Staff recommends denial of request.

**MOTION:** To adopt a resolution denying the Subdivision Variance to modify conditions of approval imposed by the Zoning Commission on ZR-2015-006 on February 5, 2015 pursuant to the applicant's request for variance from the requirement that access to each subdivision lot shall be provided by and limited to local streets or residential access streets. Specifically for modification of Condition 2: to increase driveway connection from one to two, to include egress to Jog Rd, to delete the requirement for right turn lane; for modification of Condition 5: to construct a right turn lane within the existing Palm Beach County right-of-way at the project's eastern entrance onto Hypoluxo Road and delete the requirement for acquisition of any additional required right-of-way; for deletion of Conditions 4 and 6; and a change to the legal description of the property subject to the variance request.

**F. OTHER ITEMS**

- 11. [RUOT-2013-01679](#) Title: application of . Request: Release of Unity of Title for PCN's: 00-42-43-27-05-028-0211; 00-42-43-27-05-028-0230; and 00-42-43-27-05-028-0223.

General Location: East side of Lyons Road, South of Lake Worth located at 8812 42nd Place S and 4301 Polo Road. (**Gulfstream Properties-Lennar Homes**) (Control 2008-00297)

Pages 314 - 326

Project Manager: Janine Rodriguez

Size: 22.12 acres ±

BCC District: 6

**MOTION:** To approve the Release of Unity of Title for PCN's: 00-42-43-27-05-028-0211; 00-42-43-27-05-028-0230; and 00-42-43-27-05-028-0223.

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**D. EXECUTIVE DIRECTOR**

**E. COMMISSIONERS**

**ADJOURNMENT**