



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

THURSDAY NOVEMBER 5, 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/

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



AGENDA
PALM BEACH COUNTY ZONING COMMISSION

NOVEMBER 5, 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 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, December 3, 2015 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

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

1. [ZV/ABN/DOA-2015-00765](#) Title: a Development Order Abandonment application of Newman Window and Door - Tad Newman by Jon E Schmidt & Associates, Agent. Request: to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562.

Title: a Development Order Amendment application of Newman Window and Door - Tad Newman by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation).

General Location: Approximately 300 feet south of Belvedere Road on the east side of Pike Road. **(934 Pike LLC)** (Control 2010-00352)

Pages 1 - 22

Conditions of Approval Pages (5 - 8)

Project Manager: Roger Ramdeen

Size: 1.90 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 15 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Abandonment to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

2. [DOA/R-2015-01215](#) Title: a Development Order Amendment application of W & W XXIV, LLC by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan, delete Conditions of Approval (Architecture); restart the commencement clock; and add a Requested Use.

Title: a Requested Use application of W & W XXIV, LLC by Cotleur & Hearing Inc., Agent. Request: to allow a Type I Restaurant with a drive-thru.

General Location: Lantana Road and 86th Drive South, approximately 1,000 feet east of Lyons Road. **(Merchants Walk MUPD)** (Control 2004-00354)

Pages 23 - 56

Conditions of Approval Pages (28 - 35)

Project Manager: Melissa Matos

Size: 4.99 acres ±

BCC District: 3

(affected area 1.25 acres ±)

Staff Recommendation: Staff Recommends approval of the requests subject to the 31 Conditions of Approval as indicated in C-1 and 4 Conditions of Approval as indicated in C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, delete Conditions of Approval (Architecture); restart the commencement clock; 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 Type I Restaurant with drive-thru subject to the Conditions of approval as indicated in Exhibit C-2.

3. [ZV-2015-01469](#) Title: a Type II Variance application of FR Del Mar Village II LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow deviations from the requirements for Off-site Signage to increase sign face area; height; distance from the point of ingress; and be located on a property that does not provide ingress or egress.

General Location: Northeast Corner of Palmetto Road and Beracasa Way. **(Firestone)** (Control 1982-00142)

Pages 57 - 84

Conditions of Approval Pages (62 - 63)

Project Manager: Melissa Matos

Size: 1.19 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the request subject to the 12 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow deviations from the requirements for Off-site Signage to increase sign face area; height; distance from the point of ingress; and to be located on a property that does not provide ingress or egress subject to the Conditions of Approval as indicated in Exhibit C.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

4. Title: SD-151 Title: a Subdivision Variance application of 4533 Kelmar Drive LLC, by Land Research Management, Inc, Agent. Request: to allow for the reduction of the required 80 foot wide right-of-way and instead utilize the proposed 50 ft. right-of-way as legal access to the lots to be combined.

General Location: west side of Military Trail, north of Forest Hill Boulevard and south of Summit Boulevard, in the UI Zoning District.

Pages: 85 to 97

Conditons of Approval Pages (91 - 92)

Project Manager: Joanne Keller

Size: 0.80 +/- acres

BCC District: 2

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

MOTION: To adopt a resolution approving a Subdivision Variance to allow for the reduction of the required 80 foot wide right-of-way and instead utilize the proposed 50 ft. right-of-way as legal access to the lots to be combined subject to the Conditions of Approval as indicated in Exhibit C.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 5. [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 98 - 138

Conditions of Approval Pages (110 - 111)

Project Manager: Carrie Rechenmacher

Size: 3,788.60 acres ±

BCC District: 6

(affected area 118.09 acres ±)

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.

D. ZONING APPLICATIONS - NEW

6. [ZV/DOA/R-2015-01235](#) Title: a Type II Variance application of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to allow an easement overlap within a Right-of-Way buffer.

Title: A Development Order Amendment application of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to reconfigure the Site Plan, modify and delete Conditions of Approval (Architectural Control, Building and Site Design, Engineering, Cross Access, Ingress/Egress Easement, LWDD, Unity, Dumpster, MUPD and Mass Transit), add a Requested Use, and restart the commencement clock.

Title: a Requested Use application of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to allow a Car Wash.

General Location: Approximately 500 feet east of the southeast corner of Hagen Ranch Road and Boynton Beach Boulevard. **(Boynton Beach Self Storage Facility)** (Control 1990-00017)

Pages 139 - 185

Conditions of Approval Pages (147 - 159)

Project Manager: Christine Stivers

Size: 6.33 acres ±

BCC District: 5

(affected area 1.15 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1, 47 Conditions of Approval as indicated in Exhibit C-2 and 6 Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Type II Variance to allow an easement overlap within a Right-of-Way buffer 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 (Architectural Control, Building and Site Design, Engineering, Cross Access, Ingress/Egress Easement, LWDD, Unity, Dumpster, MUPD and Mass Transit), add a Requested Use, and restart the commencement clock subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Requested Use to allow a Car Wash subject to the Conditions of Approval as indicated in Exhibit C-3.

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