



**ZONING COMMISSION
AMENDMENTS TO THE AGENDA
OCTOBER 3, 2024**

CONSENT AGENDA

B. Zoning Applications

3. ZV/ABN/CA-2024-00490 Pollo Campero Restaurant (1984-00053)

AMEND - To revise the Staff Report Variance Chart as shown with the added text underlined:

	ULDC Article	Required	Proposed	Variance
V1			
	Art. 7.C.5 Overlap in landscape buffers and on-site Parking Areas	No encroachment of utilities within a Compatibility buffer	2 foot encroachment for 44 feet in the north Compatibility buffer for overhead power lines	2 foot encroachment for 44 feet in the north Compatibility buffer for overhead power lines
			

AMEND – To modify the Type 2 Variance Conditions of Approval in Exhibit C-1 as shown with the deleted text struck out and added text underlined:

VARIANCE

1. This Variance is approved based on the layout for the north Compatibility Buffer as shown on the Preliminary Site Plan dated ~~August 15~~ September 19, 2024. Only minor modifications by Development Review Officer shall be permitted provided the changes are consistent with this variance request. (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 Zoning Commissioners~~ Board of County Zoning Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

AMEND – To modify Class A Conditions of Approval in Exhibit C-2 as shown with the deleted text struck out and added text underlined:

ALL PETITIONS

1. The approved Preliminary Site Plan is dated ~~August 15~~ September 19, 2024. 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 Board of County Commissioners. (ONGOING: ZONING - Zoning)

ENGINEERING

2. 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 40 foot corner clip, at the south west corner of the property. 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 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 clean-up. 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. Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the 40 foot corner clip, at the south west corner of the property. All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County 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 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 clean up. 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 not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)~~

5. [PDD/DOA-2024-00581 Whitworth AGR-PUD \(2021-00031\)](#)

AMEND – To modify the agenda to delete the Title, Request, and Motion for item 5.c. No recommendation is necessary from the ZC for this item.

~~**c. Title:** a Release of Conservation Easements **Request:** to allow full release of a Conservation Easement for Preserve 3 recorded in ORB 33583, Pg. 318 on 132.84 acres, a partial release of a Conservation Easement for Preserve 10 recorded in ORB 34404 Pg. 79 on 35.09 acres, and a partial release of a Conservation Easement for Preserve 2 recorded in ORB 33583 Pg. 0296 for 0.132 acres~~

~~**MOTION:** To recommend approval of item 5.c~~

PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION



ZONING COMMISSION HEARING

Thursday, October 3, 2024

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

2300 N Jog Rd, West Palm Beach, 33411

CALL TO ORDER

- A. Roll Call
- B. Invocation 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
 - 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

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
OCTOBER 3, 2024

CALL TO ORDER

- A. Roll Call – 9:00 AM.
- 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 proposed applications and staff recommendations pursuant to the Palm Beach County Unified Land Development Code. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on 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 applications not subject to Zoning Commission final action.

- 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

B. Remands

C. Withdrawals

1. [Z-2024-00318 Catoe Residences \(2024-00062\)](#)

Zoning Application of Brandon Catoe by H & L Planning & Development

Location: Northwest corner of Lillian Avenue and S. Bates Road

Project Manager: Lorraine Fuster Santana, Site Planner II

BCC District: 1

MOTION: This application was withdrawn by the applicant; no motion required.

- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA -

CONSENT AGENDA

A. Requests to pull items from Consent

B. Zoning Applications

2. [DOA-2024-00407 Katz Yeshiva High School \(1997-00056\)](#)

Zoning Application of The Weinbaum Yeshiva High School, Inc. by JMorton Planning & Landscape Architecture

Location: South side of Ruth and Baron Coleman Boulevard, approximately 0.5 miles south of Glades Road

Project Manager: Lorraine Fuster Santana, Site Planner II

BCC District: 5

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

a. Title: a Development Order Amendment **Request:** to modify the Overall Planned Unit Development Master Plan to add square footage to the Private Civic Pod (Private School) on 59.00 acres

MOTION: To recommend approval of item 2.a

b. Title: a Development Order Amendment **Request:** to modify the Site Plan for a previously approved Private School to add square footage, increase number of students, and to add an access point on 5.90 acres

MOTION: To recommend approval of item 2.b

3. [ZV/ABN/CA-2024-00490 Pollo Campero Restaurant \(1984-00053\)](#)

Zoning Application of 600 N. 4th St. Associates, L.P. by Urban Design Studio

Location: Northeast corner of Okeechobee Boulevard and Haverhill Road

Project Manager: Joyce Lawrence, Senior Site Planner

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.

a. Title: a Type 2 Variance **Request:** to allow a reduction of the Compatibility Buffer on 0.74 acres

MOTION: To adopt a resolution approving item 3.a

b. Title: a Development Order Abandonment **Request:** to abandon a Special Exception for a Gasoline Pump Island Facilities and Self Service Car Wash approved by Resolution R-84-1172 on 0.74 acres

MOTION: No action required

c. **Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 0.74 acres

MOTION: To recommend approval of item 3.c

4. [ABN/DOA/CA/W-2024-00891 Elan Palm Reserve MUPD \(2001-00005\)](#)

Zoning Application of Wellington Regional Medical Center, LLC - Cheryl Ramagano by JMorton Planning & Landscape Architecture

Location: Northeast corner of Military Trail and Hypoluxo Road

Project Manager: Donna Adelsperger, Senior Site Planner

BCC District: 2

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

a. **Title:** a Development Order Abandonment **Request:** to abandon a Class A Conditional Use for a Type 1 Restaurant with Drive-through (Building F) approved by Resolution No 2021-962 on 31.98 acres

MOTION: No action required

b. **Title:** a Development Order Abandonment **Request:** to abandon a Class A Conditional Use for a Type 1 Restaurant with Drive-through (Building G) approved by Resolution No 2021-961 on 31.98 acres

MOTION: No action required

c. **Title:** a Development Order Amendment **Request:** to modify the Overall Site Plan to add square footage; and to add and delete uses on 31.53 acres

MOTION: To recommend approval of item 4.c

d. **Title:** a Class A Conditional Use **Request:** to allow a Hospital on 31.53 acres

MOTION: To recommend approval of item 4.d

e. **Title:** a Type 2 Waiver **Request:** to allow extended hours of operation (24 hour operation) within 250-feet of a parcel of land with a residential FLU designation or use on 31.53 acres

MOTION: To recommend approval of item 4.e

5. [PDD/DOA-2024-00581 Whitworth AGR-PUD \(2021-00031\)](#)

Zoning Application of Boynton Beach Associates by G.L. Homes

Location: West side of Lyons Road, approx. 1 mile south of Boynton Beach Boulevard

Project Manager: Imene Haddad, Senior Site Planner

BCC District: 5

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

a. **Title:** an Official Zoning Map Amendment **Request:** to allow rezoning from the Agriculture Reserve (AGR) Zoning District to the Agriculture Reserve-Planned Unit Development (AGR-PUD) Zoning District on 417.52 acres

MOTION: To recommend approval of item 5.a

b. **Title:** a Development Order Amendment **Request:** to modify the Overall Master Plan to add land area (417.52 acres) to a previously approved 722.51-acre AGR-PUD, to add units, to add access points, and to modify Conditions of Approval on 1,140.03 acres

MOTION: To recommend approval of item 5.b

c. **Title:** a Release of Conservation Easements **Request:** to allow full release of a Conservation Easement for Preserve 3 recorded in ORB 33583, Pg. 318 on 132.84 acres, a partial release of a Conservation Easement for Preserve 10 recorded in

ORB 34404 Pg. 79 on 35.09 acres, and a partial release of a Conservation Easement for Preserve 2 recorded in ORB 33583 Pg. 0296 for 0.132 acres

MOTION: To recommend approval of item 5.c

- END OF CONSENT AGENDA -

REGULAR AGENDA

- A. Items Pulled From Consent
- B. Zoning Applications

- END OF REGULAR AGENDA -

COMMENTS

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

ADJOURNMENT