



**ZONING COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
FEBRUARY 5, 2015**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
----------------------	----------------------	--	--------------------------------

CONSENT AGENDA

D. ZONING APPLICATIONS – NEW

4.	(68)	CA-2014-00915 (Control 1988-00100)	Thomas Colony Shell
----	------	---------------------------------------	---------------------

AMEND Planning – Conditions 1 and 2 to read as follows:

1. Prior to Final Approval by the Development Review Officer (DRO), ~~the Property Owner shall revise the Preliminary Site Plan shall be revised to include a note at the southern portion of the site that shall read: "Proposed pedestrian cross access to be paved to the property line." This pedestrian connection shall align with the approved pedestrian connection for the property to the south. indicate the future location of the vehicular and pedestrian connection at the location of the existing propane tank.~~ (DRO: PLANNING – Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to include a note to indicate a pedestrian connection, from the Convenience Store to the adjacent parcel to the east, ~~south of the office building~~ (DRO: PLANNING - Planning)



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

THURSDAY FEBRUARY 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. Proof of Publication
- E. Adoption of the Minutes
- F. Swearing In
- G. 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

FEBRUARY 5, 2015

CALL TO ORDER

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, Pledge of Allegiance and Quasi-Judicial Notice
- 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, February 26, 2015 to take final action on the applications listed below.

NOTICE

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

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.

- D. Proof of Publication - Motion to receive and file.
- E. Adoption of the Minutes
- F. Swearing In - County Attorney
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 1. [Z/CA-2014-01129](#) Title: an Official Zoning Map Amendment application of Dale Hedrick, Hedrick 33, LLC - Cathleen T Burk by Land Design South Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single-family (RS) Zoning District.
Title: a Class A Conditional Use application of Dale Hedrick, Hedrick 33, LLC - Cathleen T Burk by Land Design South Inc., Agent. Request: to allow Zero Lot Line homes.
General Location: East side of Jog Road, between Belvedere Road and Southern Boulevard. **(Hedrick Property)** (Control 2005-00347)

Pages 1 - 1

Project Manager: Joyce Lawrence

Size: 9.24 acres ±

BCC District: 2

Staff Recommendation: Staff recommends postponement to Thursday March 5, 2015.

MOTION: To postpone to Thursday March 5, 2015.

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**

2. [DOA/R-2014-01874](#) Title: a Development Order Amendment application of Lowes Home Centers Inc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the site plan, add square footage, add a use, and modify and delete Conditions of Approval (Architectural Control; Lighting; and Building and Site Design). Title: a Requested Use application of Lowes Home Centers Inc by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a Type I Restaurant. General Location: North of Palmetto Park Road on the East Side of South State Road 7. **(Pollo Tropical at Palmetto Park MUPD)** (Control 1998-00079)

Pages 2 - 31

Conditions of Approval Pages (7 - 19)

Project Manager: Melissa Matos

Size: 25.28 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 55 Conditions of Approval as indicated in Exhibit C-1 and 1 Condition of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage (3,505 sq. ft.), add a use, and modify and delete Conditions of Approval (Architectural Control; Lighting; and Building and Site Design) 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 subject to the Condition of Approval as indicated in Exhibit C-2.

3. [W-2014-01610](#) Title: a Type II Waiver application of PRG Empire Inc by Land Design South Inc., Agent. Request: to allow the shortest side of the building to front a primary street; to allow a reduction of the building frontage on a primary street; to allow a reduction to the side setback on a secondary street; and to allow a single story building. General Location: Southeast corner of Military Trail and Cocoanut Road, north of Forest Road. **(O'Reilly Auto Parts-Forest)** (Control 2003-00829)

Pages 32 - 61

Conditions of Approval Pages (36 - 36)

Project Manager: Melissa Matos

Size: 0.78 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 7 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of the Type II Waivers to allow the shortest side of the building to front a primary street; to allow a reduction of the building frontage on a primary street; to allow a reduction to the side setback on a secondary street; and to allow a single story building subject to the Conditions of Approval as indicated in Exhibit C.

- 4. [CA-2014-00915](#) Title: a Class A Conditional Use application of F G H Inc by Jon E Schmidt & Associates, Agent. Request: to allow a Convenience Store with Gas Sales with an accessory car wash.

General Location: Southeast corner of Alternate A1A and Florida Boulevard. **(Thomas Colony Shell)** (Control 1988-00100)

Pages 62 - 86

Conditions of Approval Pages (67 - 69)

Project Manager: Roger Ramdeen

Size: 0.68 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 20 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a Convenience Store with Gas Sales with an accessory car wash subject to the Conditions of Approval as indicated in Exhibit C.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

- 5. [SD-145](#)

Title: a Subdivision Variance applicaton of Sunrise Detoxification Center LLC, Praesum HealthCare Services, Grand Slam Two LLC, by Gentile, Glas, Holloway, O'Mahoney & Associates, Agent. Request: To allow a variance from the requirement that access to each subdivision lot shall be by a street of suitable classification and construction as established by the subdivision regulations.

Requirements are set forth in the Unified Land Development Code, Article 11.E.2.A.2, and Table 11.E.2.A-2 (Chart of Minor Streets).

General Location: West side of Boutwell Road, north of 10th Avenue North, in the RH Zoning District. (Sunrise Detox Center) (Control 2003-00104)

Pages 87 - 95

Conditions of Approval Pages (92 - 93)

Project Manager: Joanne M. Keller

Size: 1.18 acres +

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 6 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Subdivision Variance from the requirement that access to each subdivision lot shall be by a street of suitable classification and construction as established by the subdivision regulations 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

- 6. [ZV-2014-01621](#) Title: a Type II Variance application of Napletons North Palm Auto Park Inc by Miller Permitting and Land Development LLC, Agent. Request: to allow an increase in the number of wall signs.

General Location: Northwest corner of Silverthorne Drive and Northlake Boulevard. **(Napleton's North North Palm Auto Park)** (Control 1984-00015)

Pages 96 - 126

Conditions of Approval Pages (103 - 103)

Project Manager: Joyce Lawrence

Size: 7.35 acres ±

BCC District: 1

Staff Recommendation: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a Type II Variance to allow an increase in the number of wall signs.

D. ZONING APPLICATIONS - NEW

- 7. [SV/ZV/Z-2014-01624](#) Title: a Type II Variance application of MPC 3 LLC by CPH Inc, Baker & Hostetler LLP, Agent. Request: to eliminate the landscape barrier; to allow activities in an unenclosed building; to allow a fence in lieu of 100% opaque screening; to allow greater than five feet landscape overlap in easements; to eliminate interior landscape island; and to reduce the number of required parking spaces.
Title: an Official Zoning Map Amendment application of MPC 3 LLC by CPH Inc, Baker & Hostetler LLP, Agent. Request: to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District.
General Location: Southwest corner of Cleary Road and Belvedere Road. **(Florida Public Utilities Regional Operations Center)** (Control 2009-02465)

Pages 127 - 160

Conditions of Approval Pages (136 - 138)

Project Manager: Osniel Leon

Size: 10.41 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the Type II Variances, to eliminate the landscape barrier, to allow activities in an unenclosed building, to allow a fence in lieu of 100% opaque screening(along Belvedere Road), to eliminate interior landscape island, and to reduce the number of required parking spaces, subject to eight Conditions of Approval as indicated in Exhibit C-1 and approval of the request for the Rezoning subject to a Conditional Overlay Zone and six Conditions of Approval as indicated in Exhibit C-2.

Staff recommends denial of the Type II Variances to allow a fence in lieu of 100% opaque screening (along Florida Turnpike) and to allow greater than five feet landscape overlap in easements.

MOTION: To adopt a resolution approving a Type II Variance to eliminate the landscape barrier; to allow activities in an unenclosed building; to allow a fence in lieu of 100% opaque screening (along Belvedere Road); to eliminate interior landscape island; and to reduce the number of required parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution denying Type II Variances to allow a fence in lieu of 100% opaque screening (along Florida Turnpike) and to allow greater than five feet landscape overlap in easements.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-2.

E. SUBDIVISION VARIANCE

8. [SD-144](#)

Title: a Subdivision Variance application of The Falls Country Club, Inc., by Coteleur & Hearing, Agent. Request: To allow a variance from the requirement that access to each subdivision lot shall be provided by and limited to local streets or residential access streets. No access from individual lots shall be permitted directly to a major street.

Requirements are set forth in the Unified Land Development Code, Article 11.E.9.B.2.

General Location: Northwest corner of Jog Road and Hypoluxo Road, in the AR Zoning District. (Falls Commercial) (Control 1985-00155)

Pages 161-168

Conditions of Approval Pages (165-166)

Project Manager: Joanne M. Keller

Size: 3.511 acres +

BCC District: 3

Staff Recommendation: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a Subdivision Variance from the requirement that access to each subdivision lot shall be provided by and limited to local streets or residential access streets.

F. OTHER ITEMS

9. Annual Election of Chair and Vice Chair

Pages

MOTION:

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT