

REGULAR AGENDA

D. ZONING APPLICATIONS - NEW

8. (287-292) ABN/ZV/CA/W-2015-02175 WaWa-SEC 10th Ave and Military
(2013-00049)

DELETE ALL Engineering Conditions from Exhibit C-2



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

THURSDAY AUGUST 4, 2016

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

AUGUST 4, 2016

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 Monday, August 22, 2016 and/or Thursday, August 25, 2016 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

1. [ZV/DOA-2016-00440](#) Title: a Type II Variance application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the number of parking spaces; to eliminate interior trees and shrubs; to eliminate the Type III Incompatibility buffer along the north property line and associated wall and plant material; to allow a 6-foot high chain link fence in place of a wall within the Type III Incompatibility buffer along the south property line; and, to eliminate terminal and interior islands, and divider medians in all parking areas, except the visitor parking area.

Title: a Development Order Amendment application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to reconfigure site plan, and delete Conditions of Approval (Alternative Landscape Plan, and Engineering).

General Location: Approximately 0.5 miles south of Gateway Boulevard on the west side of Military Trail. **(Florida Power and Light Company-Boynton Beach Service Center)** (Control 1979-00191)

Pages 1 - 79

Conditions of Approval Pages (13 - 18)

Project Manager: Donna Adelsperger

Size: 17.12 acres ±

BCC District: 5

(affected area 8.70 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variances, subject to 12 Conditions of Approval as indicated in Exhibit C-1 and approval of the Development Order amendment subject to 14 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving seven Type II Variances to allow a reduction in the number of parking spaces; to eliminate interior trees and shrubs; to eliminate the Type III Incompatibility buffer along the north property line and associated wall and plant material; to allow a 6-foot high chain link fence in place of a wall within the Type III Incompatibility buffer along the south property line; and, to eliminate terminal and interior islands, and divider medians in all parking areas, except the visitor parking area, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval for a Development Order Amendment to reconfigure site plan, and to delete and modify Conditions of Approval (Alternative Landscape Plan, and Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

D. ZONING APPLICATIONS - NEW

2. [DOA-2016-00087](#) Title: a Development Order Amendment application of Home Depot USA Inc, Halvorsen Inv Inc, JMA Properties Inc, RReef America Reit II Corp J, First Union Natl Bank of FL by Miller Land Planning, Agent. Request: to reconfigure the Site Plan, increase the building height and add square footage.

General Location: Southeast corner of Glades Road and US-441. **(ABC Store 209B at Festival Shoppes of Boca Raton)** (Control 1990-00024)

Pages 80 - 115

Conditions of Approval Pages (85 - 94)

Project Manager: Carolina Valera

Size: 39.96 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 72 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; increase the building height; and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

3. [DOA/R-2015-02530](#) Title: a Development Order Amendment application of F P Dino Inc by Covelli Design Associates Inc., Agent. Request: to reconfigure the Master Plan and add a Requested Use.

Title: a Requested Use application of F P Dino Inc by Covelli Design Associates Inc., Agent. Request: to allow a Type 3 Congregate Living Facility.

General Location: Southeast corner of Lake Ida Road and Via Flora. **(Delray Villas - Civic Pod)** (Control 1975-00151)

Pages 116 - 135

Conditions of Approval Pages (121 - 125)

Project Manager: Carlos Torres

Size: 5.63 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 15 Conditions of Approval as indicated in Exhibit C-2.

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

MOTION: To recommend approval for a Requested Use to allow a Type 3 Congregate Living Facility subject to the Conditions of Approval as indicated in Exhibit C-2.

4. [ZV-2016-00865](#) Title: a Type II Variance application of Addison Reserve Country Club by JMorton Planning & Landscape Architecture, Agent. Request: to allow a reduction in the number of parking spaces, and increase in the percentage of golf cart parking spaces.
General Location: South side of Linton Boulevard, west of Jog Road. **(Addison Reserve Country Club)** (Control 1980-00215)

Pages 136 - 161

Conditions of Approval Pages (141 - 141)

Project Manager: Diego Penalosa

Size: 23.19 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval subject to 9 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the number of parking spaces and increase the percentage of golf cart parking spaces subject to the Conditions of Approval as indicated in Exhibit C.

5. [PDD/R-2015-02533](#) Title: an Official Zoning Map Amendment to a Planned Development District application of 7 t's Enterprises, Inc. by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use application of 7 t's Enterprises, Inc. by Urban Design Kilday Studios, Agent. Request: to allow a Type 3 Congregate Living Facility; a Type I Restaurant; and four Type II Restaurants.

General Location: Northeast corner of Clint Moore Road and State Road 7. (**Thomas Packing Plant MUPD**) (Control 2007-00288)

Pages 162 - 216

Conditions of Approval Pages (171 - 185)

Project Manager: Yoan Machado

Size: 37.38 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 30 Conditions of Approval as indicated in Exhibit C-1; 18 Conditions of Approval as indicated in Exhibit C-2; 5 Conditions of Approval as indicated in each Exhibit C-3, C-4, C-5, C-6; and 5 Conditions of Approval as indicated in Exhibit C-7.

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Requested Use to allow a Type I Restaurant, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg E-2), subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg K), subject to the Conditions of Approval as indicated in Exhibit C-4.

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg N), subject to the Conditions of Approval as indicated in Exhibit C-5.

MOTION: To recommend approval of the Requested Use to allow a Type II Restaurant (Bldg O), subject to the Conditions of Approval as indicated in Exhibit C-6.

MOTION: To recommend approval of the Requested Use to allow a Type 3 Congregate Living Facility, subject to the Conditions of Approval as indicated in Exhibit C-7.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

- 6. Title: Application No. SD-158 Title: Resolution approving a Subdivision Variance application of Horizon 880, LLC by The Wantman Group, Inc.

Request: To allow a variance from the requirement that (A) no access from individual lots shall be permitted directly to a major street, instead access shall be provided by and limited to local streets or residential access streets; and (B) bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction and shall have sidewalks six feet wide on each side.

General Location: north side of County Road 880, approximately 6.5 miles west of Twenty Mile Bend/State Road 80, in the AP Zoning District. (Horizon Composting) (Control 2007-0033)

Pages 217 - 229

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

Conditions of Approval: Pages (223 - 223)

Project Manager: Joanne Keller

Size: 31.60 acres +/-

BCC District: 6

MOTION: To adopt a resolution approving a Subdivision Variance to allow a variance from the requirement that access shall not be permitted directly to a major street (11.E.9.B.2) and a variance from the requirement for curbs and sidewalks on a bridge (11.E.2.A.10) 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

D. ZONING APPLICATIONS - NEW

7. [DOA/R-2015-01918](#) Title: a Development Order Amendment application of Hypoluxo & I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to reconfigure the Site Plan, delete square footage, add a Requested Use, and modify or delete Conditions of Approval (All Conditions).

Title: a Requested Use application of Hypoluxo & I 95 Holdings LLC by Atlantic Land Management, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: Northeast corner of Hypoluxo Road and High Ridge Road. **(Hypoluxo Shoppes)** (Control 2008-00243)

Pages 230 - 275

Conditions of Approval Pages (238 - 249)

Project Manager: Joyce Lawrence

Size: 4.20 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to 32 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, delete square footage, add a Requested Use, and modify or delete Conditions of Approval (All Conditions) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Requested Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

8. [ABN/ZV/CA/W-2015-02175](#) Title: a Development Order Abandonment application of Petroleum Advantage Properties LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to abandon the Class A Conditional Use to allow a Type I Restaurant as granted under Resolution R-1991-1477.

Title: a Type II Variance application of Petroleum Advantage Properties LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow 24-hour operation within 250 feet of a residential zoning district.

Title: a Type II Waiver application of Petroleum Advantage Properties LLC by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a single story building; allow a building on a corner parcel to not be placed at the build-to-line; increase the front street setback; increase the side streets setback (2); reduce the primary building frontage; reduce the setback for outdoor uses to Non-PRA residential use; allow fuel pumps, canopies and queuing located in the front of building; no transparency on the south facade; allow parking and loading areas to be located in front; allow two freestanding signs, to allow size reduction of the loading zone; and to allow the pedestrian circulation zone to be not adjacent to the planting/amenity zone

General Location: Southeast corner of Military Trail and 10th Avenue North. **(WaWa-SEC 10th Ave and Military)** (Control 2013-00049)

Pages 276 - 326

Conditions of Approval Pages (287 - 292)

Project Manager: Carlos Torres

Size: 2.06 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Development Order Abandonment; and approval of Type II Waivers 1-9 and 12 subject to 17 Conditions of Approval as indicated in Exhibit C-2.

and

Staff recommends denial of the Type II Variance and the Type II Waivers 10, 11, and 13.

MOTION: To recommend approval for a Development Order Abandonment to abandon the Class A Conditional Use to allow a Type I Restaurant as granted under Resolution R-1991-1477.

MOTION: To adopt a resolution denying a Type II Variance to allow a 24-hour operation within 250 feet of a residential zoning district.

MOTION: To recommend approval for Type II Waivers (1-9 and 12) to allow a single story building; allow a building on a corner parcel to not be placed at the build-to-line; increase the front street setback; increase the side streets setback (2); reduce the primary building frontage; reduce the setback for outdoor uses to Non-PRA residential use; allow fuel pumps, canopies and queuing located in the front of building; no transparency on the south facade; and to allow size reduction of the loading zone subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend denial for Type II Waivers (10, 11 and 13) to allow parking and loading areas to be located in front; allow two freestanding signs and to allow the pedestrian circulation zone to be not adjacent to the planting/amenity zone.

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