



**ZONING COMMISSION
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
November 23, 2021**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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D. ZONING APPLICATIONS- NEW

2.	(17-76)	TDD/DOA-2020-01444 (2004-00616)	Delray Marketplace Reserve
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DELETE Planning Condition 19 of Exhibit C-2.

5.	(133-150)	ZV-2020-02120 (1994-00053)	Delray Self Service Storage
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AMEND Compliance Condition 1 of Exhibit C, to read as follows:

1. In Granting this Approval, the ~~Board of County Commissioners~~ 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 Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

6.	(151-188)	ZV/DOA/CA-2021-00407 (1973-00085)	Wharfside at Boca Pointe
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DELETE 5th Motion “to allow a Type 2 Restaurant in excess of 5,000 square feet.”

AMEND Use Limitations Condition 1 of Exhibit C-2, to read as follows:

USE LIMITATIONS

1. Outdoor seating for Buildings ~~3~~, H and M shall be limited to the following:

~~a.~~ Building ~~3 and~~ H: Maximum of 53 outdoor seats; and,

~~b.~~ Building M: Maximum of 59 outdoor seats.

Prior to final approval by the Development Review Officer, the Site Plan shall be modified to indicate the number of seating for these ~~3~~ two buildings. (DRO/ONGOING: ZONING - Zoning)

ADD Use Limitations Condition 1 to Exhibit C-4, to read as follows:

USE LIMITATIONS

1. Outdoor seating for Buildings 3, shall be limited to a maximum of 53 outdoor seats. Prior to final approval by the Development Review Officer, the Site Plan shall be modified to indicate the number of seats for this building. (DRO/ONGOING: ZONING - Zoning)



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

TUESDAY NOVEMBER 23, 2021

9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N Jog Rd, West Palm Beach, 33411**

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. Swearing In
- G. Adoption of the Minutes
- H. Amendments to the Agenda
- I. Motion to adopt the Agenda
- J. Disclosures
- K. 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

NOVEMBER 23, 2021

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 Rd, West Palm Beach, 33411, 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 in the 6th Floor, Jane Thompson Memorial Chambers, 301 N Olive Ave, West Palm Beach, 33401, at 9:30 A.M. on Wednesday, December 15, 2021 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. Swearing In - County Attorney
- G. Adoption of the Minutes
- H. Amendments to the Agenda
- I. Motion to adopt the Agenda
- J. Disclosures
- K. Conflicts/Recusals

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. [CA-2021-01022](#) Title: a Class A Conditional Use application of Steven Cabral by Land Research Management Inc., Agent. Request: to allow a Limited Pet Boarding.
General Location: South side of 77th Place North, approximately 0.09 miles east of Hall Road. **(Fine Line Pet Boarding)** (Control 2019-00115)
 Pages 1 - 16
 Conditions of Approval Pages (7 - 8)
 Project Manager: James Borsos
 Size: 1.15 acres ± BCC District: 6
Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow Limited Pet Boarding, subject to the Conditions of Approval as indicated in Exhibit C.

D. ZONING APPLICATIONS - NEW

2. [TDD/DOA-2020-01444](#) Title: an Official Zoning Map Amendment application of TG Land LLC, West Boynton Farms Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to Agricultural Reserve Traditional Marketplace Development (AGR-TMD) Zoning District.
Title: a Development Order Amendment application of TG Land LLC, West Boynton Farms Inc. by JMorton Planning & Landscape Architecture, Agent.
Request: to modify the Site Plan to add and delete land area (Preserves); to allow for the release of a Conservation Easement; and, to modify Conditions of Approval.
General Location: North side Atlantic Avenue, approximately 0.28 miles west of Lyons Road. **(Delray Marketplace Preserve)** (Control 2004-00616)
 Pages 17 - 76
 Conditions of Approval Pages (26 - 41)
 Project Manager: Timothy Haynes BCC District: 5,6
 Size: 97.66 acres ±
 (affected area 2.05 acres ±)
Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to Agricultural Reserve Traditional Marketplace Development (AGR-TMD) Zoning District, subject to the Condition of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan to add and delete land area (Preserves); to allow for the release of a Conservation Easement; and, to modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

3. [Z/CA-2020-01445](#) Title: an Official Zoning Map Amendment application of TG Land LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Traditional Marketplace Development (TMD) Zoning District to the Commercial Low Office (CLO) Zoning District.

Title: a Class A Conditional Use application of TG Land LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow Medical Office.

General Location: North side Atlantic Avenue, approximately 0.28 miles west of Lyons Road. **(Atlantic Avenue Medical)** (Control 2020-00178)

Pages 77 - 98

Conditions of Approval Pages (86 - 88)

Project Manager: Timothy Haynes

Size: 2.05 acres ±

BCC District: 5

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Traditional Marketplace Development (TMD) Zoning District to the Commercial Low Office (CLO) Zoning District, subject to a Conditional Overlay Zone and the Condition of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Medical Office, subject to the Conditions of Approval as indicated in Exhibit C-2.

4. [ZV-2021-00831](#) Title: a Type 2 Variance application of KIR Boynton LP by Gunster Yoakley & Stewart PA, Agent. Request: to allow a 100% utility easement overlap of a Right-of-Way (R-O-W) buffer.

General Location: Southwest corner of Military Trail and Classico Place. **(7-Eleven at Boynton West Shopping Center)** (Control 1972-00051)

Pages 99 - 132

Conditions of Approval Pages (103 - 104)

Project Manager: Timothy Haynes

Size: 17.84 acres ±

BCC District: 5

(affected area 1.24 acres ±)

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

MOTION: To adopt a Resolution approving a Type 2 Variance to allow a 100% utility easement overlap of a Right-of-Way (R-O-W) buffer, subject to the Conditions of Approval as indicated in Exhibit C.

5. [ZV-2020-02120](#) Title: a Type 2 Variance application of West Atlantic Commercial Properties, LTD by WGINC, Agent. Request: to allow for the reduction in minimum lot size.

General Location: North side of West Atlantic Avenue, approximately 0.25 miles west of South Military Trail. **(Delray Self Service Storage)** (Control 1994-00053)

Pages 133 - 150

Conditions of Approval Pages (136 - 136)

Project Manager: Imene Haddad

Size: 4.53 acres ±

BCC District: 5

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

MOTION: To adopt a Resolution approving a Type 2 Variance to allow for the reduction in minimum lot size, subject to the Conditions of Approval as indicated in Exhibit C.

6. [ZV/DOA/CA-2021-00407](#) Title: a Type 2 Variance application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to reduce the side and rear setbacks.

Title: a Development Order Amendment application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to modify the Site Plan; and, add square footage.

Title: a Class A Conditional Use application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Type 2 Restaurant in excess of 5,000 square feet.

Title: a Class A Conditional Use application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Type 2 Restaurant in excess of 5,000 square feet.

General Location: North side of SW 18th Street, approximately 300 feet east of Powerline Road. **(Wharfside at Boca Pointe)** (Control 1973-00085)

Pages 151 - 188

Conditions of Approval Pages (160 - 165)

Project Manager: James Borsos

Size: 10.03 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 through C-4.

MOTION: To adopt a Resolution approving a Type 2 Variance to reduce side and rear setbacks, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to modify the site plan; and, add square footage, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 2 Restaurant in excess of 5,000 square feet (Building A), subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 2 Restaurant in excess of 5,000 square feet (Building 3), subject to the Conditions of Approval as indicated in Exhibit C-4.

MOTION: to allow a Type 2 Restaurant in excess of 5,000 square feet.

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

- 7. [SV-2021-00459](#) Title: a Subdivision Variance application of Evergreen 1 LLC by Brahm Development LLC, Agent. Request: to allow access from a 30-foot Right-of-Way. General Location: West side of Old Military Trail, approximately 600 feet north of Orlando Avenue. **(Evergreen Townhouse)** (Control 2019-00177)

Pages 189 - 206

Conditions of Approval Pages (192 - 192)

Project Manager: Scott Cantor

Size: 4.38 acres ±

BCC District: 7

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

MOTION: To adopt a Resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way, subject to the Conditions of Approval as indicated in Exhibit C.

- 8. [SV-2021-01186](#) Title: a Subdivision Variance application of Brian Campbell by Land Research Management Inc., Agent. Request: to allow access from a 30-foot Right-of-Way. General Location: West side of Davis Road, approximately 1,700 feet south of Lake Worth Road. **(Campbell Property TDR)** (Control 2021-00034)

Pages 207 - 220

Conditions of Approval Pages (210 - 210)

Project Manager: Scott Cantor

Size: 1.16 acres ±

BCC District: 3

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

MOTION: To adopt a Resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way, 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**
- 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