



**BOARD OF COUNTY COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
JANUARY 7, 2016**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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CALL TO ORDER

ADD Heading:

E.1. SPECIAL PRESENTATIONS

1. Certificate of Congratulations presented to **Bennett Sousa**, pitcher with the University of Virginia Cavaliers Baseball Team, 2014-2015 NCAA College World Series National Champions.
2. Certificate of Congratulations presented to **Robbie Coman**, catcher with the University of Virginia Cavaliers Baseball Team, 2014-2015 NCAA College World Series National Champions.
3. Certificate of Congratulations presented to **Pavin Smith**, first baseman/outfielder with the University of Virginia Cavaliers Baseball Team, 2014-2015 NCAA College World Series National Champions (to be presented **OFF SITE**)

REGULAR AGENDA

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

4.	(60)	ZV/DOA/R-2015-01235 (Control 1990-00017)	Boynton Beach Self Storage
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ADD Landscape-General Condition 2 (Exhibit C-3) to read as follows:

2. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection devices are installed. (BLDG/PMT: ZONING - Zoning)

ADD Landscape Headings (Exhibit C-3) to read as follows:

LANDSCAPE –INTERIOR (WEST MEDIAN)

1. Landscaping along the east side of the Car Wash Awning Area within the west median of the main entrance drive shall include the following:
 - a. A minimum fifteen (15) foot wide landscape strip;
 - b. A six (6) foot high opaque concrete wall. The wall shall be a minimum of 50 feet long and installed parallel to the east end of the awning;
 - c. Four (4) canopy or flowering trees shall be installed on the exterior side of the wall, evenly spaced, to provide additional screening.
 - d. Two (2) groups of palms in clusters of three (3) installed on the exterior side of the wall;
 - e. Thirty-six (36) inch high shrub or hedge material, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.(DRO: ZONING - Zoning)

LANDSCAPE –INTERIOR (EAST MEDIAN)

1. Landscaping along the east side of the main entrance drive within the east median shall include the following:

a. Thirty-six (36) inch high shrub or hedge material, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.(DRO: ZONING - Zoning)

ADD Use Limitations-Car Wash Condition 1 (Exhibit C-3) to read as follows:

1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: ZONING - Zoning)

ADD Use Limitations Condition 2 (Exhibit C-3) to read as follows:

2. Hours of customer service shall not commence prior to 8:00 a.m. nor continue later than 7:00 p.m daily. Business activities other than customer service (including delivery and stocking operations) shall not commence prior to 6:00 a.m. nor continue activities later than 11:00 p.m. (ONGOING: ZONING - Zoning)

6. (117) PDD/R-2015-00545 The Falls Commercial MUPD
Control (1985-00155)

AMEND Engineering Condition 3 (Exhibit C-1) to read as follows:

3. The Property Owner shall construct a right turn lane, east approach at the Project's east access point on Hypoluxo Road, and a driveway connection to serve as additional project access that aligns with the Charleston Square commercial driveway on Hypoluxo Road approximately 850 feet west of Jog Road. This construction...

J. ZONING APPLICATIONS – NEW

7. (150) DOA-2015-01723 Benihana at Festival Shoppes
Control (1990-00024) of Boca Raton

AMEND Engineering Condition 20 to read as follows:

20. Prior to the issuance of a building permit, the Property Owner shall abandon or release, and relocate as necessary, all easements...



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY JANUARY 7, 2016

9:30 A.M. 6TH FLOOR

JANE M. THOMPSON MEMORIAL CHAMBERS

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Purchasing Contracts
- F. Swearing In
- G. Adoption of Agenda

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
BOARD OF COUNTY COMMISSIONERS**

JANUARY 7, 2016

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. 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 Mayor, 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.

- D. Proof of Publication - Motion to receive and file
- E. [Purchasing Contracts](#)

Summary: The appropriate County Staff has executed each contract for attached list and each contract will be effective upon Board approval unless a later effective date is referenced in the contract. Countywide

Staff Recommendation: Staff recommends motion to approve: Contracts list as submitted by various departments to the Clerk & Comptroller's Office.

- F. Swearing In - County Attorney
- G. Motion to Adopt Agenda

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. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 1. [CA-2015-01730](#) Title: a Class A Conditional Use application of KBHS Reo LLC by Urban Design Kilday Studios, Agent. Request: to allow a Type 3 Congregate Living Facility.

General Location: Approximately 465 feet south of Northlake Boulevard on the west side of Lyndall Lane. **(Sunspire Health Type 3 CLF)** (Control 2014-00206)

Pages: 1 - 16

Conditions of Approval (6 - 7)

Project Manager: Carlos Torres

Size: 0.86 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use with a vote of 6-0-0

MOTION: To adopt a resolution adopting a Class A Conditional Use to allow a Type 3 Congregate Living Facility subject to Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

- 2. [DOA/ABN-2014-02332](#) Title: a Development Order Abandonment application of Dreams of Freedom LLC by Land Research Management Inc., Agent. Request: To abandon the Special Exception (SE) to allow a Large Scale Community Shopping Center in excess of 50,000 square feet (sq. ft.) of total floor area granted under Resolution R-1987-1120-A; abandon the SE to amend the Site Plan for an existing Large Scale Community Shopping Center in excess of 50,000 sq. ft. to permit Recreation Facilities, Amusements and Attractions and Exhibits, Public and Private (Bingo Hall) granted under Resolution R-1990-524; and abandon Resolution R-1990-1463.

General Location: Approximately 1,000 feet south of Summit Boulevard on the west side of Military Trail. **(Summit Commons)** (Control 1987-00030)

Pages: 17 - 19

Project Manager: Joyce Lawrence

Size: 4.70 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the abandonment.

MOTION: To abandon the Special Exception (SE) to allow a Large Scale Community Shopping Center in excess of 50,000 square feet (sq. ft.) of total floor area granted under Resolution R-1987-1120-A; abandon the SE to amend the Site Plan for an existing Large Scale Community Shopping Center in excess of 50,000 sq. ft. to permit Recreation Facilities, Amusements and Attractions and Exhibits, Public and Private (Bingo Hall) granted under Resolution R-1990-524; and abandon Resolution R-1990-1463.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

3. [SCA-2015-00015](#) Title: Boynton Beach Blvd Self Storage application of DAVID DASZKAL by CMS Engineering LLC, Agent. Request: To change a Future Land Use designation from Commercial Low with an underlying 5 units per acre (CL/5) to Commercial High (CH).

General Location: South of Boynton Beach Boulevard, east of Hagen Ranch Road. **(Boynton Beach Blvd Self Storage)** (Control 1990-00017)

Pages: 20 - 42

Project Manager: Missy Michael

Size: 1.16 acres ±

BCC District: 5

Planning Commission Recommendation: Planning Commission recommended Denial by a vote of 7-4.

MOTION: To adopt an ordinance approving the proposed amendment from Commercial Low with an underlying 5 units per acre (CL/5) to Commercial High with an underlying 5 units per acre (CH/5).

4. [ZV/DOA/R-2015-01235](#) 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 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: 43 - 78

Conditions of Approval (50 - 60)

Project Manager: Christine Stivers

Size: 6.32 acres \pm

BCC District: 5

(affected area 1.15 acres \pm)

DISCLOSURE

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

Zoning Commission Recommendation: Approved a Type II Variance (with conditions) with a vote of 8-0-0

Zoning Commission Recommendation: Recommended Approval of a Requested Use with a vote of 7-1-0

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

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

5. [SCA-2015-00007](#) Title: The Falls Commercial, Large Scale Land Use Amendment application of John hoecker by Cotleur & Hearing Inc., Agent. Request: to change the Future Land Use from Commercial Recreation with an underlying Medium Residential 5 units per acre (CR/5) to Commercial Low (CL).

General Location: Northwest corner of Hypoluxo Road and Jog Road. **(The Falls Commercial)** (Control 1985-00155)

Pages: 79 - 109

Project Manager: Erin Sita

Size: 171.31 acres \pm

BCC District: 3

(affected area 3.51 acres \pm)

Staff Recommendation: Approval of the proposed amendment from Commercial Recreation with an underlying 5 units per acre (CR/5) to Commercial Low (CL).

MOTION: To adopt an ordinance approving the proposed amendment from Commercial Recreation with an underlying 5 units per acre (CR/5) to Commercial Low (CL).

6. [PDD/R-2015-00545](#) Title: an Official Zoning Map Amendment to a Planned Development District application of Falls Country Club Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use of Falls Country Club Inc by Cotleur & Hearing Inc., Agent.

Request: to allow a Type I Restaurant with a drive-through.

General Location: Northwest corner of Jog Road and Hypoluxo Road. **(The Falls Commerical MUPD)** (Control 1985-00155)

Pages: 110 - 140

Conditions of Approval (117 - 120)

Project Manager: Melissa Matos

Size: 3.51 acres \pm

BCC District: 3

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 18 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment to a Planned Development District with a vote of 7-0-0

Zoning Commission Recommendation: Recommended Approval of a Requested Use with a vote of 7-0-0

MOTION: To adopt a Resolution approving a rezoning from the Commercial Recreation (CRE) 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 adopt a Resolution approving a Type I Restaurant with drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

J. ZONING APPLICATIONS - NEW

7. [DOA-2015-01723](#) Title: a Development Order Amendment application of Rreef America Reit II Corp J by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan and add square footage.

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

Pages: 141 - 171

Conditions of Approval (146 - 155)

Project Manager: Osniel Leon

Size: 36.96 acres ±

BCC District: 5

(affected area 1.30 acres ±)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 75 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment with a vote of 7-0-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan and add square footage subject to the Conditions of Approval as indicated in Exhibit C.

8. [DOA/R-2015-00320](#) Title: a Development Order Amendment application of RG Towers LLC by RG Towers LLC, Agent. Request: to reconfigure the Master Plan and add a Requested Use.

Title: a Requested Use of RG Towers LLC by RG Towers LLC, Agent. Request: to allow a Commercial Communication Tower (Stealth).

General Location: Approximately 500 feet north of the L-29 Canal on the west side of El Clair Ranch Road. **(Westchester Club Tower)** (Control 1980-00212)

Pages: 172 - 209

Conditions of Approval (177 - 191)

Project Manager: Christine Stivers

Size: 664.98 acres \pm

BCC District: 5

(affected area 0.05 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 77 Conditions of Approval as indicated in Exhibit C-1 and 8 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Requested Use with a vote of 7-0-0

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment with a vote of 7-0-0

MOTION: To adopt a resolution approving 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 adopt a resolution approving a Requested Use to allow a Commercial Communication Tower (Stealth) subject to Conditions of Approval as indicated in Exhibit C-2.

K. ULDC AMENDMENTS

9. Title: [FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2015-02](#)

Pages: 210 - 250

Staff Recommendation: Staff recommends a motion to approve on First Reading and advertise for Adoption Hearing on January 28, 2016.

MOTION: To approve on First Reading and advertise for Adoption Hearing on January 28, 2016: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS, CHAPTER I; DEFINITIONS & ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER D, EXCAVATION; ARTICLE 5- SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; ARTICLE 7 - LANDSCAPING; CHAPTER B, TYPES OF PLANS; CHAPTER D, GENERAL STANDARDS; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; ARTICLE 8- SIGNAGE; CHAPTER H, OFF-SITE SIGNS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

L. COMPREHENSIVE PLAN TEXT AMENDMENTS

M. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. DEPUTY COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT