



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY SEPTEMBER 28, 2017

9:30 A.M.

**BCC Chambers 6th Floor, Jane Thompson Memorial Chambers
301 N Olive Ave, West Palm Beach, 33401**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Amendments to the Agenda
- G. Motion to Adopt the 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**

SEPTEMBER 28, 2017

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

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

1. [ABN-2017-00344](#) Title: a Development Order Abandonment application of West Boca Presbyterian Church Inc by Jon E Schmidt & Associates, Agent. Request: to abandon a Special Exception allowing a Church and Accessory Buildings and Structures.

General Location: Approximately 1/8 mile north of Judge Winikoff Road on the west side of Hammock Street. **(West Boca Presbyterian Church)** (Control 1983-00078)

Pages: 1 - 4

Project Manager: Diego Penalzoa

Size: 6.08 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the Special Exception for a Church and Accessory Buildings and Structures.

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

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

2. [ZV/ABN/DOA/R-2016-01229](#) Title: Development Order Abandonment application of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to abandon a Special Exception for an Auto Service Station.

Title: a Development Order Amendment of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to reconfigure the Site Plan; delete square footage; modify uses; and, add parking spaces.

Title: a Requested Use. of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to allow Retail Gas and Fuel.

General Location: Northwest corner of Military Trail and Boynton West Road. **(7-Eleven Inc. at Boynton West Shopping Center)** (Control 1972-00051)

Pages: 5 - 43

Conditions of Approval (16 - 19)

Project Manager: Carolina Valera

Size: 17.84 acres ±

BCC District: 5

(affected area 1.24 acres ±)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 11 Conditions of Approval as indicated in Exhibit C-3 and 7 Conditions of Approval as indicated in Exhibit C-4.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 5-2-0.

Zoning Commission Recommendation: Approved a Type II Variance (with conditions) by a vote of 5-2-0.

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 5-2-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 5-2-0.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the Special Exception for an Auto Service Station.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; delete square footage; modify uses; and, add parking spaces, subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Requested Use for Retail Gas and Fuel, subject to the Conditions of Approval as indicated in Exhibit C-4.

J. ZONING APPLICATIONS - NEW**K. ULDC AMENDMENTS**

3. [Title: MEDICAL MARIJUANA DISPENSING FACILITIES-ADOPTION HEARING](#)

Pages: 44 - 50

Project Manager: Scott Rodriguez

Staff Recommendation: Staff recommends a motion to adopt.

Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulations Commission (LDRC) Determination: Recommended approval of the proposed amendments on July 26, 2017. All proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: Approved (5-0) on July 27, 2017, Request for Permission to Advertise for First Reading on August 24, 2017. Approved (6-0) on August 24, 2017, First Reading and Advertise for an Adoption Hearing on September 28, 2017.

MOTION: TO ADOPT 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: ESTABLISHING REGULATIONS RELATED TO MEDICAL MARIJUANA DISPENSING FACILITIES AND SUNSETTING THE MEDICAL MARIJUANA MORATORIUM, AMENDING ARTICLE 1, GENERAL PROVISIONS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES: CHAPTER B, PUBLIC HEARING PROCESS; ARTICLE 4, USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; 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.

4. [Title: ART. 4, USE REGULATIONS \[RELATED TO COCKTAIL LOUNGE\] - ADOPTION HEARING](#)

Pages: 51 - 54

Project Manager: Monica Cantor

Staff Recommendation: Staff recommends a motion to adopt.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulations Commission (LDRC) Determination: Recommended approval of the proposed amendments on July 26, 2017. All proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: Approved (5-0) on July 27, 2017, Request for Permission to Advertise for First Reading on August 24, 2017. Approved (6-0) on August 24, 2017, First Reading and Advertise for an Adoption Hearing on September 28, 2017.

MOTION: TO ADOPT 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 4, USE REGULATIONS: CHAPTER B, USE CLASSIFICATION [RELATED TO COCKTAIL LOUNGE]; 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.

5. [PIA-2017-00314](#) Title: First Reading and Request for Permission to Advertise for Adoption Hearing on October 26, 2017 application of UDKS - Joni Brinkman by Urban Design Kilday Studios, Agent. Request: A Phase 2 Privately Initiated Amendment (PIA) Application (PIA-2017-00314), to amend the ULDC to establish regulations for a new Regional Recreation Pod within the Planned Industrial Park Development (PIPD) district, and to allow Outdoor Entertainment as a Class A Conditional Use (aka Surf Ranch Florida).

General Location: Non site specific. () (Control)

Pages: 55 - 64

Project Manager: William Cross

Size: acres ±

Staff Recommendation: Staff recommends a motion to approve on First Reading and to Advertise for Adoption Hearing on October 26, 2017.

LDRAB/LDRC: The proposed ULDC amendments were presented to the Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) on July 26, 2017. The LDRAB recommended to accept staff's recommendation, motion passed (11-0) and, LDRC determination of consistency with the Comprehensive Plan, motion passed (11-0).

BCC Public Hearings: Approved (6-0) on August 24, 2017, Request for Permission to Advertise for First Reading on September 28, 2017.

MOTION: To approve on First Reading and Advertise for Adoption Hearing on October 26, 2017, 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: A PRIVATELY INITIATED AMENDMENT (PIA) APPLICATION, TO ESTABLISH REGULATIONS FOR A NEW REGIONAL RECREATION POD WITHIN THE PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD) DISTRICT, AND TO ALLOW OUTDOOR ENTERTAINMENT AS A CLASS A CONDITIONAL USE (AKA SURF RANCH FLORIDA), AMENDING ARTICLE 3, OVERLAYS AND ZONING DISTRICTS: CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); AND, ARTICLE 4, USE REGULATIONS: CHAPTER B, USE CLASSIFICATION. 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. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT

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