



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
MARCH 22, 2018**

AGENDA

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

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

2.	(1-31)	DOA-2017-1013 (Control 1981-00109)	Atlantic Square Car Wash
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ADD Palm Tran Conditions 1-3 of Exhibit C, to read as follows:

PALM TRAN

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING – Engineering) (Previous PALM TRAN Condition 1 of Resolution R-2015-1083, Control No.1981- 00109)

2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN – Palm Tran) (Previous PALM TRAN Condition 2 of Resolution R-2003-104, Control No.1981-00109)

3. Commercial locations, which are open to the public, shall not restrict public mass transit access. (ONGOING: PALM TRAN – Palm Tran) (Previous PALM TRAN Condition 3 of Resolution R-2003-104, Control No.1981-00109)

E. ZONING APPLICATIONS – NEW

3.	(32-81)	ZV/ABN/DOA-2017-01997 (Control 2003-00007)	Mission Lakes MUPD
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DELETE Condition Engineering 16 of Exhibit C.

REGULAR AGENDA

M. OTHER ITEMS

9. (165-186) RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CONSOLIDATING AND AMENDING RESOLUTIONS R-2008-1754, R-2009-1049, R-2010-0311, R-2012-094, R-2013-1255, R-2014-0112 AND R-2014-1409, THE OFFICIAL SCHEDULE OF FEES TO BE CHARGED FOR PLANNING, ZONING AND ADMINISTRATION APPLICATIONS, LEGAL ADVERTISING, DOCUMENTS AND REPRODUCTION OF RECORDS, AND PROVIDING FOR AN EFFECTIVE DATE.

AMEND Attachment B-Zoning Division Proposed fee Schedule, as follows:

Z			
....			
R-2018-XXX	New	ZAR (Temp Use and <u>Home Occupational Licenses for Limited Contractor Storage Yard and Limited Landscape Service</u>)	\$781.00
...			
R-2018-XXX	03016	ULDC: Hardcopy + Latest Supplement	\$76.00
R-2018-XXX	03030	Zoning CD/DVD: Copy of document	\$20.00
R-2008-1754 Exempt from CPI Increase	03845	Zoning Copies of Plan(s) (per page)	\$2.50
R-2008-1754	03843	Zoning: Expedited Consideration Application (+ \$ per addl cond)	\$900.00
R-2008-1754	Tied to 03843	Zoning: Expedited Consideration Application (+\$ per addl cond)	\$408.00
R-2018-XXX	03016	ULDC: Hardcopy + Latest Supplement	\$76.00
R-2010-0311	03080	Zoning: PAC for DRO Type II or Type III (Concurrent Review)	\$295.00



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY MARCH 22, 2018

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**

MARCH 22, 2018

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

1. Title: Alcohol Hours of Sale Research Report

Pages:

Staff Recommendation: To postpone to April 26, 2018.

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

- 2. [DOA-2017-01013](#) Title: a Development Order Amendment application of Gary Weston by iPlan and Design LLC, Agent. Request: to reconfigure the Site Plan; add/delete square footage; to modify uses; and, add/delete Conditions of Approval (All Petitions).
General Location: Southeast corner of Jog Road and Atlantic Avenue. **(Atlantic Square Car Wash)** (Control 1981-00109)

Pages: 1 - 31

Conditions of Approval (7 - 17)

Project Manager: Carlos Torres

Size: 18.91 acres ±

BCC District: 5

(affected area 0.18 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 65 Conditions of Approval as indicated in Exhibit C.

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; add/delete square footage; to modify uses; and, add/delete Conditions of Approval (All Petitions) subject to the Conditions of Approval as indicated in Exhibit C.

E. ZONING APPLICATIONS - NEW

3. [ZV/ABN/DOA-2017-01997](#) Title: a Development Order Abandonment application of Mission Lakes II LLC by Urban Design Kilday Studios, Agent. Request: to abandon a Requested Use for a Type I Restaurant.

Title: a Development Order Amendment of Mission Lakes II LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan; to add square footage; and, to re-designate uses.

General Location: Northeast corner of Lantana Road and State Road 7. **(Mission Lakes MUPD)** (Control 2003-00007)

Pages: 32 - 81

Conditions of Approval (39 - 53)

Project Manager: Lorraine Fuster

Size: 37.85 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 92 Conditions of Approval as indicated in Exhibit C.

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

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 8-0-0.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Type I Restaurant.

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

4. [CA-2017-01454](#) Title: a Class A Conditional Use application of Yelena Pawela by Land Research Management Inc., Agent. Request: to allow Limited Pet Boarding accessory to a Single Family Residence.

General Location: Approximately 0.5 mile west of Royal Palm Beach Boulevard on the south side of 60 Street North. **(Pawela Limited Pet Boarding)** (Control 2017-00052)

Pages: 82 - 96

Conditions of Approval (87 - 88)

Project Manager: Lorraine Fuster

Size: 1.52 acres ±

BCC District: 6

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

Zoning Commission Recommendation: Recommended Approval of a Conditional Use Class A by a vote of 8-0-0.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Limited Pet Boarding accessory to a Single Family Residence subject to the Conditions of Approval as indicated in Exhibit C.

5. [EAC-2017-02008](#) Title: an Expedited Application Consideration application of Duke Realty Land Llc by Schmidt Nichols, Agent. Request: to modify the use and Condition of Approval (Use Limitations).

General Location: Northwest corner of Jog and Belvedere Road. **(Turnpike Crossing East PIPD)** (Control 2005-00456)

Pages: 97 - 118

Conditions of Approval (102 - 108)

Project Manager: Carlos Torres

Size: 67.16 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 38 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application Consideration to modify the use and Condition of Approval (Use Limitations) subject to the Conditions of Approval as indicated in Exhibit C.

6. [ZV/CA/W-2016-02018](#) Title: a Type II Waiver application of Poltze Inc. by Dunay Miskel and Backman LLP, Agent. Request: to allow a structure to not be located at the corner meeting the build-to lines; to reduce the Minimum Primary Frontage Building Placement; increase the Maximum Secondary Frontage Building Placement; to reduce the Minimum Building Frontage Percentage; to eliminate the Pedestrian Circulation Zone, Planting Amenity Zone, and Usable Open Space; and, eliminate Slip Street Frontage.

General Location: Northwest corner of South Military Trail and Sunset Ranch Road. **(Poltze Vehicle Sales Lot)** (Control 2015-00140)

Pages: 119 - 157

Conditions of Approval (126 - 129)

Project Manager: Meredith Leigh

Size: 0.36 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Type II Waiver by a vote of 8-0-0.

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

MOTION: To adopt a resolution approving a Type II Waiver to allow a structure to not be located at the corner meeting the build-to lines; to reduce the Minimum Primary Frontage Building Placement; increase the Maximum Secondary Frontage Building Placement; to reduce the Minimum Building Frontage Percentage; to eliminate the Pedestrian Circulation Zone, Planting Amenity Zone, and Usable Open Space; and, eliminate Slip Street Frontage, subject to the Conditions of Approval as indicated in Exhibit C-2.

F. CORRECTIVE RESOLUTIONS

- 7. [CRB-2018-00447](#) Title: a Corrective Resolution application of Blanca Moreda, Mignano Maria Trust by Schmidt Nichols, Agent. Request: to repeal Resolution R-2018-005 adopted on January 4, 2018 and adopt a resolution approving a Requested Use to allow a Transfer of Development Rights (TDR), to designate the site as a receiving area, and to allow TDR's of more than two dwelling units per acre (du/ac).

General Location: Approximately 0.25 miles south of Golf Road on the east side of Military Trail. **(Boynton Atrium CLF)** (Control 2012-00433)

Pages: 158 - 161

Conditions of Approval (160 - 161)

Project Manager: Carlos Torres

Size: 4.32 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Corrective Resolution repealing Resolution R-2018-004 adopted on January 4, 2018 and adopt a resolution approving a Requested Use to allow a Transfer of Development Rights (TDR), to designate the site as a receiving area, and to allow TDR's of more than two dwelling units per acre (du/ac).

G. ABANDONMENTS

- 8. [ABN-2017-02474](#) Title: a Development Order Abandonment application of Advanced Mulch, Inc. by PLACE Planning & Design, Agent. Request: to abandon a Requested Use for an Outdoor Auction (Auto) with related Variances granted under R-2015-0959 (Lot 13).

General Location: Southwest corner of Bama Lane and Kelly Drive. **(Ponderosa Industrial Park Lot 13)** (Control 1976-00134)

Pages: 162 - 164

Project Manager: Carolina Valera

Size: 1.10 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Requested Use for an Outdoor Auction (Auto) granted under Resolution R-2015-0959.

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**

- J. ZONING APPLICATIONS - NEW**

- K. ULDC AMENDMENTS**

- L. COMPREHENSIVE PLAN TEXT AMENDMENTS**

M. OTHER ITEMS

- 9. Title: RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CONSOLIDATING AND AMENDING RESOLUTIONS R-2008-1754, R-2009-1049, R-2010-0311, R-2012-0941 R-2013-1255, R-2014-0112 AND R-2014-1409, THE OFFICIAL SCHEDULE OF FEES TO BE CHARGED FOR PLANNING, ZONING AND ADMINISTRATION APPLICATIONS, LEGAL ADVERTISING, DOCUMENTS AND REPRODUCTION OF RECORDS, AND PROVIDING FOR AN EFFECTIVE DATE.

Pages: 165 - 186

Project Manager: Maryann Kwok

MOTION: To adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida amending and consolidating resolutions R-2008-1754, R-2009-1049, R-2010-0311, R-2012-0941, R-2013-1255, R-2014-0112, and R-2014-1409, the Official Schedules of Fees to be charged by Planning, Zoning, and Administration.

- 10. Title: RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A SCHEDULE OF FEES FOR SERVICES PROVIDED BY THE DIVISION OF CODE ENFORCEMENT, AND PROVIDING FOR AN EFFECTIVE DATE, APRIL 2, 2018.

Pages: 187 - 189

Project Manager: Robert Santos-Alborna, CE Director

MOTION: To adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida establishing a schedule of fees for services provided by the Division of Code Enforcement.

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

- 11. Title: Restrictive Covenant for the Workforce Housing Program Obligation assigned to Town Commons PUD.

Pages: 190 - 221

Project Manager: Michael Howe

MOTION: To release and re-record, with prior approval from the County Attorney and Planning Division, the Restrictive Covenant for the Workforce Housing Program Obligation assigned to Town Commons PUD Control No. 2004-247.

12. Title: [Restrictive Covenant for the Workforce Housing Program Obligation assigned to Arden.](#)

Pages: 222 - 247

Project Manager: Michael Howe

MOTION: To release and re-record, with prior approval from the County Attorney and Planning Division, the Restrictive Covenant for the Workforce Housing Obligation assigned to Arden PUD Control No. 2005-394 as stipulated by DRO Conditions of Approval 2013-2922.

13. Title: [Congregate Living Facilities in the Agricultural Reserve Tier.](#)

SUMMARY: The item before the Board is to consider whether to initiate text amendments to the Comprehensive Plan to consider allowing congregate living facilities (CLF) and use of the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier. On January 31, 2018, under discussion for postponements for two privately proposed text amendments to the Comprehensive Plan to allow the CLR designation in the Tier called Poet's Walk and Clint Moore Allegro, the Board directed staff to evaluate a policy to allow CLFs in the Agricultural Reserve. The policy considerations would include establishing location, size, number of beds per acre, and preserve requirements in the Comprehensive Plan. If initiated by the Board, staff would proceed with the preparation of text amendments for public hearings in Amendment Round 18-C.

Pages: 248 - 252

Project Manager: Lisa Amara

Staff Recommendation: Staff is seeking direction from the BCC on how to proceed with one or more options as described in the attached memo.

14. Title: [City of Westlake Comprehensive Plan.](#)

Under Separate Cover to be hand delivered by Planning Staff.

Pages: 253-255

Project Manager: Bryan Davis

Staff Update: Will provide an update on the City of Westlake the Comprehensive Plan adopted on March 12, 2018.

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT