

These turn lanes shall be lengthened to a minimum 470 feet in length plus 50 foot paved taper, or as approved by FDOT. Their construction shall be concurrent with the paving and drainage improvements for development of Pod B. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDGPMT:MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO:MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2010-1172, Control No. 1984-00139)

J. ZONING APPLICATIONS - NEW

11. (Agenda Page 10) AI-2019-001 Central Park Commerce Center
(2015-00085)

AMEND Size, to read as follows:

Size: ~~163.73 acres~~ 138.32 acres ± (affected area 101.20)

REMOVE DISCLOSURES



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY MAY 23, 2019

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

OTHER DEPARTMENT ITEMS

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**

MAY 23, 2019

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. [Z/CA-2017-01996](#) Title: an Official Zoning Map Amendment application of Andrew Podray by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and Multifamily Residential High Density (RH) Zoning Districts, to the Multifamily Residential (RM) Zoning District.
General Location: On the east side of Barwick Road, approximately 0.55 miles north of Lake Ida Road. **(Banyan Cove)** (Control 2014-00078)

Pages: 1 - 1

Project Manager: Lorraine Fuster

Size: 6.68 acres ±

BCC District: 4

Staff Recommendation: Staff recommends a postponement to Thursday, August 22, 2019.

Zoning Commission Recommendation: Postponed to August 1, 2019 by a vote of 8-0-0.

MOTION: To postpone to Thursday, August 22, 2019.

2. [PDD-2018-01692](#) Title: an Official Zoning Map Amendment application of Concert Fountains Properties, LLC by WGINC, Agent. Request: to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Planned Unit Development (PUD) Zoning District.
General Location: West side of South Jog Road, approximately 0.3 miles south of Lake Worth Road. **(The Lofts at Lake Worth)** (Control 2016-00114)

Pages: 2 - 2

Project Manager: Carolina Valera

Size: 62.60 acres ±

BCC District: 2

Staff Recommendation: Staff recommends to postpone to Thursday, June 27, 2019.

Zoning Commission Recommendation: Postponed to June 6, 2019 by a vote of 8-0-0.

MOTION: To postpone to Thursday, June 27, 2019.

- 3. [SCA-2017-00014](#) Title: Heathwood Reserve, Small Scale Land Use Amendment application of Amkby Partners Ltd Llp by Wantman Group Inc., Agent. Request: To change a future land use designation from Medium Residential, 5 units per acre (MR-5) to Congregate Living Residential, with an underlying 5 units per acre (CLR/5).

General Location: West side of Military Trail, approximately 0.60 mile north of Lantana Road. **(Heathwood Reserve)** (Control 1997-00008)

Pages: BCC District: 3
 Postponement Letter: 257-257
 Staff Report: 258-411
 Conditions of Approval (422-427)

Project Manager: Inna Stafeychuk

Staff Recommendation: Staff recommends a postponement to Thursday, July 25, 2019.

MOTION: To postpone to Thursday, July 25, 2019.

- 4. [ABN/PDD/CA-2017-00983](#) Title: an official Zoning Map Amendment application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential(AR) Zoning District to the Planned Unit Development (PUD) Zoning District. Title: a Class A Conditional Use of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a Type 3 Congregate Living Facility (CLF); and, to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent.

General Location: West Side of Military Trail, approximately 0.60 miles north of Lantana Road. **(Heathwood Reserve)** (Control 1997-00008)

Pages: BCC District: 3
 Postponement Letter: 412-412
 Staff Report: 413-456
 Conditions of Approval (422-427)

Project Manager: Carolina Valera

Staff Recommendation: Staff recommends a postponement to Thursday, July 25, 2019.

MOTION: To postpone to Thursday, July 25, 2019.

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

5. [ABN/ZV/CA-2018-00962](#) Title: Development Order Abandonment application of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates Inc., Agent. Request: to abandon a Special Exception allowing an Automobile Service Station and Car Wash.

Title: a Class A Conditional Use of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates Inc., Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.

General Location: Southwest of the intersection of State Road 7 (U.S.441) and SW 18th Street (Marina Boulevard). **(7-Eleven at Marina Blvd #34972)** (Control 1982-00097)

Pages: 3 - 43

Conditions of Approval (9 - 11)

Project Manager: Carrie Rechenmacher

Size: 1.42 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-2.

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

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) by a vote of 8-0-0.

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

MOTION: To adopt a resolution approving a Development Order Abandonment of a Special Exception allowing an Automobile Service Station and Car Wash.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store subject to Conditions of Approval as indicated in Exhibit C-2.

6. [SV/ABN/Z/CA-2018-00774](#) Title: a Development Order Abandonment application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to abandon a Class A Conditional Use to allow an Elementary or Secondary School (Charter).
Title: an Official Zoning Map Amendment of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Institutional and Public Facilities (IPF) Zoning District.
Title: a Class A Conditional Use of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow an Elementary or Secondary School (Charter); Assembly Institutional Non-Profit, and a Type 3 Congregate Living Facility (CLF).
General Location: East side of Limestone Creek Road approximately 0.85 miles north of Indiantown Road. **(Els Center for Excellence)** (Control 1975-00168)

Pages: 44 - 70

Conditions of Approval (52 - 58)

Project Manager: Carrie Rechenmacher

Size: 26.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval subject to 1 Condition of Approval as indicated in Exhibit C-2; 17 Conditions of Approval as indicated in Exhibit C-3; 5 Conditions of Approval as indicated in Exhibit C-4; and, 1 Condition of Approval as indicated in Exhibit C-5.

Zoning Commission Recommendation: Recommended Approval of 3 Class A Conditional Uses by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment, as amended by a vote of 8-0-0.

Zoning Commission Recommendation: Approved a Subdivision Variance by a vote of 8-0-0.

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

MOTION: To adopt a resolution approving a Development Order Abandonment of a Class A Conditional Use to allow an Elementary or Secondary School (Charter).

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Single Family Residential (RS) Zoning District to the Institutional and Public Facilities (IPF) Zoning District subject to the Condition of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow an Elementary or Secondary School (Charter) subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow an Assembly Institutional Non-Profit subject to the Condition of Approval as indicated in Exhibit C-4.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Type 3 Congregate Living Facility (CLF) subject to the Condition of Approval as indicated in Exhibit C-5.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

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

7. [LGA-2018-00009](#) Title: Rainberry PUD Pod B, Large Scale Land Use Amendment application of Jewish Community Facilities Corp, Federation Ccrc Operations Corp by WGINC, Agent. Request: To change a future land use designation from Low Residential, 3 units per acre (LR-3) to Medium Residential, 5 units per acre (MR-5)
General Location: East side of 95th Avenue South, approximately .26 miles south of Glades Road. (**Rainberry PUD Pod B**) (Control 1984-00139)

Pages: 71 - 125

Conditions of Approval (82 - 82)

Project Manager: Melissa Michael

Size: 34.10 acres ±

BCC District: 5

Staff Recommendation: Approval of the proposed future land use amendment from Low Residential, 3 units per acre (LR-3), to Medium Residential, 5 units per acre (MR-5) with conditions.

Planning Commission Recommendation: Recommended Approval with Conditions, with a vote of 10 to 0 at the June 29, 2019 public hearing.

MOTION: To adopt an ordinance approving the future land use amendment from Low Residential, 3 units per acre (LR-3), to Medium Residential, 5 units per acre (MR-5) with conditions.

8. [DOA-2018-01047](#) Title: Development Order Amendment application of Federation CCRC Operations Corp by WGINC, Agent. Request: to reconfigure Pod B of the Master Plan and Site Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds, square footage and parking spaces; and, to modify and delete prior Conditions of Approval (Building, Landscape and Use Limitations).

General Location: East side of 95th Avenue South, approximately 0.26 miles south of Glades Road. (**Rainberry PUD - Pods A & B**) (Control 1984-00139)

Pages: 126 - 169

Conditions of Approval (135 - 149)

Project Manager: Carlos Torres

Size: 115.62 acres \pm

BCC District: 5

(affected area 40.22 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 58 Conditions of Approval as indicated in Exhibit C-1; and, 12 Conditions of Approval as indicated in Exhibit C-2.

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

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure Pod B of the Master Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of Beds/Residents, and, to modify and delete prior Conditions of Approval (Building and Landscape) subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure Pod B of the Site Plan for Pods A and B to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds, square footage and parking spaces; and, to modify and delete prior Conditions of Approval (Architecture and Use Limitations) subject to Conditions of Approval as indicated in Exhibit C-2.

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

9. [SCA-2019-00002](#) Title: ETC Office Warehouse, Small Scale Land Use Amendment application of Deliceto LLC by Kimley Horn and Associates Inc., Agent. Request: To change the future land use designation from Industrial (IND) to Urban Infill (UI)
General Location: North side of Ohio Street approximately 250 feet east of South Congress Avenue (**ETC Office Warehouse**) (Control 1984-00020)

Pages: 170 - 208

Size: 0.68 acres ±

BCC District: 2

Staff Recommendation: Approval of the proposed future land use amendment from Industrial (IND) to Urban Infill (UI).

Planning Commission Recommendation: Recommended Approval, with a vote of 11 to 0 at the March 8, 2019 public hearing.

MOTION: To adopt an ordinance approving the proposed future land use amendment from Industrial (IND) to Urban Infill (UI).

10. [SV/ABN/Z/W-2018-01211](#) Title: a Development Order Abandonment application of Deliceto LLC by Kimley Horn and Associates Inc., Agent. Request: to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.
Title: an Official Zoning Map Amendment of Deliceto LLC by Kimley Horn and Associates Inc., Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District.
Title: a Type 2 Waiver of Deliceto LLC by Kimley Horn and Associates Inc., Agent. Request: to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space.
General Location: Northeast corner of Congress Avenue and Ohio Street. **(ETC Office/Warehouse)** (Control 1984-00020)

Pages: 209 - 256

Conditions of Approval (217 - 220)

Project Manager: Donna Adelsperger

Size: 1.31 acres \pm

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone (COZ) for the rezoning and 6 Conditions of Approval as indicated in Exhibit C-1; and, 13 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Type 2 Waiver, as amended by a vote of 7-0-1.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 7-0-1.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-1.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Type 2 Waiver to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space 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

11. [AI-2019-001 \(PCN-2019-00774\)](#) Title: Administrative Inquiry of PBA Holdings by Carlton Fields, Agent. Request: To extend the duration for an Administrative Approval for temporary facilities for up to five years from the date of issuance of permits (May 2019 to May 2024)

General Location: North side of Southern Boulevard, East of 20-mile bend and 3.8 miles west of Seminole Pratt Whitney Road. **(Central Park Commerce Center)** (Control 2015-00085)

Pages: 457 - 464

Project Manager: Jon MacGillis

Size: 163.73 acres \pm

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of Temporary Utility Construction Staging Area for 5 years.

MOTION: To approve an extension for a temporary facility (Temporary Utility Construction Staging Area) for 5 years.

K. ULDC AMENDMENTS

12. [PIA-2018-02043](#) Title: Request for Permission to Advertise for Final Adoption on June 27, 2019 application of Florida Power and Light - Josh Long by Gunster Yoakley & Stewart PA, Urban Design Kilday Studios, Agent. Request: a Privately Initiated Amendment to amend specific sections of the Unified Land Development Code (ULDC) for Renewable Energy Solar Facilities that are greater than 250 acres; to revise the definition; modify and exempt the requirements for perimeter buffer landscaping; and to be exempt from the maximum height for fences.

General Location: Non-Site Specific.

Pages: 465 - 490

Project Manager: Jan Rodriguez

Staff Recommendation: Staff is not in support of the Code amendment proposed by the Applicant, which is described in Attachment B, as it does not meet Standards 1, 4, 5, and 6 of the ULDC Article 2.D.3. Staff is in support of Attachment C. Staff recommends a motion to approve the Request for Permission to Advertise for Final Adoption on June 27, 2019.

LDRAB/LDRC: The proposed ULDC amendments were presented to the Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) on April 24, 2019. The LDRAB recommended to accept staff's Attachment C, with modifications, motion passed (13-0-1) and, LDRC determination of consistency with the Comprehensive Plan, motion passed (13-0-1).

MOTION: To approve the request for Permission to Advertise for Final Adoption on June 27, 2019, 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, PROVIDING FOR RENEWABLE ENERGY SOLAR FACILITY AS IT RELATES TO LANDSCAPING AND FENCING, GENERALLY LOCATED IN ARTICLE 4- USE REGULATIONS; ARTICLE 5- SUPPLEMENTARY STANDARDS; AND, ARTICLE 7- LANDSCAPING; 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

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

13. Title: CLERK & COMPTROLLER

Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

Pages: Provided under separate cover by Finance Department Staff.

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

14. [Title: Partial Release of Restrictive Covenant for Workforce Housing \(Sabal Grove\)](#)

Pages: 491 - 498

Project Manager: Bryan Davis

Staff Recommendation: Staff recommends approval of the request.

MOTION: To approve and authorize Mayor to execute the second amendment to the Declaration of restrictive Covenants for Workforce Housing in accordance with the Workforce Housing Program, recorded in Official Records Book 28827, Page 1018, of the Public Records of Palm Beach County, Florida.

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT

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