



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
JULY 25, 2019**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

5.	(Agenda Page 6)	CTR-1997-00004-1 (1997-004)	Kerekes Plaza MUPD
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MOTION: To postpone to August 22, 2019.

CONSENT AGENDA

E. ZONING APPLICATIONS - NEW

6.	(Agenda Page 7)	DOA-2019-2144 (1971-00013)	Delray Trails at Villa del Ray PUD
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MOVE Item #6 to Consent Agenda.

(53)

AMEND Landscape-General, Condition 3, as follows:

**LANDSCAPE - GENERAL-LANDSCAPING ALONG THE PROPERTY LINE OF POD B
ADJACENT TO EXISTING BUILDING WITH ADDRESS OF 13845 VIA FLORA**

3. Landscaping along the property line of Pod B, adjacent to 13845 Via Flora, shall include the following:

....

f. ~~buffer may encroach~~ the (5) foot wide pedestrian pathway depicted in the Visual Impact Analysis dated January 28, 2019 may encroach into this buffer. (BLDGPMT/DRO: ZONING - Zoning)

AMEND Landscape- General, Condition 4, as follows:

**LANDSCAPE - GENERAL-LANDSCAPING ALONG THE PROPERTY LINE OF POD C
ADJACENT TO EXISTING BUILDING WITH ADDRESS OF 13737 FLORA PLACE**

4. Landscaping along the property line of Pod ~~BC~~, adjacent to 13737 Flora Place, shall include the following:

....

f. ~~buffer may encroach~~ the (5) foot wide pedestrian pathway depicted in the Visual Impact Analysis dated January 28, 2019 may encroach into this buffer. (BLDGPMT/DRO: ZONING - Zoning)

AMEND Landscape- General, Condition 4, as follows:

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE PROPERTY LINE OF POD B ADJACENT TO EXISTING BUILDING WITH ADDRESS OF 13767 FLORA PLACE

~~4~~ 5. Landscaping along the property line of Pod B, adjacent to 13767 Flora Place, shall include the following:

....

f. ~~buffer may encroach~~ the (5) foot wide pedestrian pathway depicted in the Visual Impact Analysis dated January 28, 2019 may encroach into this buffer. (BLDGPMT/DRO: ZONING - Zoning)

AMEND Landscape- General, Condition 5, as follows:

LANDSCAPE - GENERAL-LANDSCAPING ALONG PROPERTY LINES OF PODS A, B AND C ~~AND EXISTING BUILDINGS~~

~~5~~ 6. The ~~location of~~ lakes, and landscape areas ~~and pedestrian pathways~~ along the ~~perimeter property lines~~ of Pods A, B and C ~~shall be~~ as depicted in the Visual Impact Analysis dated January 28, 2019 shall remain in the same location to ensure that spatial separation between existing and proposed residential buildings is maintained. (DRO/ONGOING: ZONING - Zoning)

REGULAR AGENDA

K. ULDC AMENDMENTS

7. (93-137) FIRST READING OF UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2019-01

ADD AN AMENDMENT, Exhibit B (page 109), ULDC Art. 2.B.7.B.3, Effect of an Issuance of a DO or a Map Amendment, to be consistent with the proposed changes for Development Order Abandonment within Art. 2.B.7.F, Development Order Abandonment.

[Part 2. ULDC Art. 2.B.7.B Application Processes and Procedures, Public Hearing Processes, Types of Applications, Conditional Uses and Official Zoning Map Amendment \(Rezoning to a PDD or TDD\) \(pages 34 of 101, Supplement 25\), is hereby amended as follows:](#)

1 CHAPTER B PUBLIC HEARING PROCESSES

2

3 Section 7 Types of Applications

4

5 B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD

6

7 3. Effect of an Issuance of a DO or a Map Amendment

8 a. General

9 Issuance of a DO for a Conditional Use or a rezoning to a PDD or TDD shall be deemed
10 to authorize only the particular site configuration, layout, and level of impacts which were
11 approved pursuant to this Code, ~~unless the approval is abandoned~~. [Ord. 2018-002]

AMEND Exhibit H, Part 2, lines 20-21 (page 127), ULDC Art. 6.A.1.D, Off-Street Parking, to add a cross reference to Art. 4.B.2.C.10.c, Design and Construction Standards for Stations for Principal or Accessory Use subparagraphs for design and construction standards.

1 CHAPTER A PARKING

2 Section 1 General

3

4 **D. Off-Street Parking**

5 **1. Computing Parking Standards**

6

7 **20. Electric Vehicle Charging Parking Space (EVCPS)**

8

9 **c. Design and Construction Standards**

10 1) Each EV space shall be marked by a sign designating the parking space as an
11 electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the
12 Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway
13 Administration. Each sign shall include the following information, pursuant to Art.
14 4.B.2.C.10.c.5)a), c), and d). Vehicles that are not capable of using the Electrical
15 Vehicle Charging Station are prohibited from parking in this space; and

8. (138-169) FIRST READING OF UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT WORKFORCE HOUSING

AMEND Exhibit A, Part 9, line 16 (page 156), ULDC Art. 5.G.1.A.3.c, Pricing, to correct terminology from sales floor to rental floor.

1 **c. Pricing**

2

3 3) For the purposes of annual price updates, the WHP prices initially established for the
4 for-sale unit's income category at the time of approval of the Subject development shall
5 be the sales floor throughout the affordability period. No WHP unit is required to be
6 sold at a price below the sales floor, though a seller may opt to do so. The WHP price
7 initially established for the rental unit's income category at the time of approval of the
8 Subject development shall be the rental floor throughout the affordability period. No
9 WHP unit is required to be rented at a price below the ~~sales~~ rental floor, though an
10 owner may opt to do so.

AMEND Exhibit A, Part 20, lines 55-56 (page 162), ULDC Art. 5.G.1.C.4.b.2), Off-Site Option 2 – Off-Site Construction/Exchange Builder, to give authority to the Executive Director to determine whether to collect the guarantee at the 85-percent threshold and correct a lettering error.

1 **2) Off-Site Option 2 – Off-Site Construction/Exchange Builder**

2

3 e d) If all WHP units are not issued certificates of occupancy prior to the issuance of
4 85% of certificate of occupancy for the subject development, Palm Beach County
5 ~~shall~~ may, at the discretion of the Executive Director of the Planning, Zoning and
6 Building Department, collect the guarantee. The issuance of building permits on
7 the subject development shall not be stopped.

8

9

OTHER DEPARTMENT ITEMS

A. DEPARTMENT UPDATE

9. (Agenda Page 11) **Governmental Center Lease Agreement with Tina's Cafe.**

AMEND Summary to read as follows:

At the June 4, 2019 meeting the Board required Tina's Café to provide more information on its proposal to extend its existing lease of 2,554 sf of space in the Governmental Center Parking Garage and directed staff to negotiate a new lease on those terms. Tina's is proposing to expend \$130,000 on improvements including new HVAC, electrical, walk-in-cooler, cabinetry, countertops, flooring and fire sprinkler upgrades. Staff continues to question how Tina's will be able to afford this cost. Tina's has requested a 5 year lease with one 5 year extension. Rent will be increased from \$16,601/yr. (\$6.50/sf) to \$21,000/yr. (\$8.20/sf) with 2% annual increases commencing August 1, 2021. Staff has prepared this new Lease Agreement including the terms proposed by Tina's. Prior to applying for a building permit, Tina's will be required to provide a detailed permit ready set of plans and specifications to staff for review and approval to ensure that there is no material change in scope and that Tina's will expend \$130,000 as represented. Tina's will also be required to post a bond for the cost of the improvements and will be required to complete those improvements within six (6) months. (Property & Real Estate Management) Countywide (HJF)

10. (Agenda Page 12) **Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC.**

AMEND Motion to read as follows:

MOTION: To approve a Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC, a Florida limited liability corporation, for the operation of a food and beverage concession at Osprey Point Golf Course in Burt Aaronson South County Regional Park for \$60,000/year for a period of three (3) years from ~~August 1~~ July 25, 2019 through July 31, 2022.



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY JULY 25, 2019

9:30 AM

**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**

JULY 25, 2019

CALL TO ORDER

A. Roll Call - 9:30 AM

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. [PDD-2019-00292](#) Title: an Official Zoning Map Amendment application of Broward Rentals, Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

General Location: South side of Atlantic Avenue, approximately 0.2 miles east of State Road 7/US 441. **(Broward Rentals MUPD)** (Control 2016-00130)

Pages: 1 - 1

Project Manager: Carolina Valera

Size: 10.53 acres ±

BCC District: 5

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

Zoning Commission Recommendation: Postponed to August 1, 2019 by a vote of 6-0-1.

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

B. REMANDS

2. [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: 2 - 2

Project Manager: Carolina Valera

Size: 22.54 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Applicant's request to remand to the Development Review Officer.

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

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

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

MOTION: To approve the Applicant's request to remand to the Development Review Officer.

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

- 3. **Z-2019-00510** Title: an Official Zoning Map Amendment application of Waverly SP, LLC, Kendall Morikami LLC by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District.

General Location: North side of Morikami Park Road, approximately 630 feet west of South Jog Road. (**Morikami Estates**) (Control 2008-00522)

Pages: 3 - 18

Conditions of Approval (7 - 7)

Project Manager: Carolina Valera

Size: 4.99 acres ±

BCC District: 5

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

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

- 4. **Z-2019-00527** Title: an Official Zoning Map Amendment application of Stephen Homrich, FCC Environmental Services, LLC, Rose Homrich by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District.
General Location: West Side of State Road 7, approximately 600 feet north of Boynton Beach Boulevard (with additional frontages on 100th Street South and 97th Place South). **(Homrich Nursery)** (Control 2015-00133)

Pages: 19 - 34

Conditions of Approval (23 - 23)

Project Manager: Meredith Leigh

Size: 13.44 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone and Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-1.

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

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

- 5. [CTR-1997-00004-1](#) Status Report for Resolutions R-2002-1017 and R-2008-1378. Property Owner: Kerekes Land Trust Properties East, LLC; Pebb Boynton, LLC; and SFD Boynton LLC General Location: Northeast Corner of Jog Road and Boynton Beach Boulevard Current Zoning: Multiple Use Planned Development (MUPD). **(Kerekes Plaza MUPD (Control No. 1997-004))**

Pages: 35 - 41

Project Manager: Bruce Thomson

Size: 24.57 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the motions.

MOTION: To approve on First Reading and Advertise for Adoption Hearing on August 22, 2019, an Official Zoning Map Amendment from the Multiple Use Planned Development (MUPD) Zoning District to the Single Family Residential (RS) Zoning District.

MOTION: To adopt a resolution approving revocation of uses allowing a general repair and maintenance facility, a convenience store with gas sales and a car wash facility, approved by Resolution R-2002-1017.

MOTION: To adopt a resolution approving revocation of Requested Uses allowing a General Daycare facility and a Type 1 Restaurant, approved by Resolution R-2008-1378.

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

6. [DOA-2018-02144](#) Title: a Development Order Amendment application of Delray Golf Investors LLC, Palm Greens Recreation Condo. Assn. Inc., 13FH Palm Beach, LP by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master Plan; redesignate Golf Course areas to Residential and Civic Pods; add residential units; and, add access points.

General Location: Northeast corner of Lake Ida Road and El Clair Ranch Road, within an area partially bounded by the LWDD E-3 canal to the east (0.5 miles west of Military Trail), El Clair Ranch Road and South Jog Road to the west, and the LWDD L-29 Canal to the north (approximately 0.4 miles north of Flavor Pict Road). **(Delray Trails at Villa del Ray PUD)** (Control 1971-00013)

Pages: 42 - 92

Conditions of Approval (50 - 55)

Project Manager: Carolina Valera

Size: 671.80 acres ±

BCC District: 5

(affected area 118.94 acres ±)

DISCLOSURE

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

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment, as amended by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master Plan; redesignate Golf Course areas to Residential and Civic Pods; add residential units; and, add access points, subject to the Conditions of Approval as indicated in Exhibit C.

K. ULDC AMENDMENTS

7. [Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2019-01.](#)

The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

Ordinance Title

Exhibit A Art. 1 and 11: General Provisions and Subdivision, Platting, and Required Improvement for Legal Lot

Exhibit B Art. 2: Public Hearing Process - Development Order Abandonment

Exhibit C Art. 2: Reasonable Accommodation - Change of Ownership

Exhibit D Art. 3, 4 and 6: Overlays, Use Regulations for Single Family and Cottage Homes and Parking

Exhibit E Art. 4: Use Regulations relating to Residential Uses and Home Occupation, Nuisances

Exhibit F Art. 4: Adult Entertainment and Findings of Fact

Exhibit G Art. 4: Bona Fide Agriculture and Agritourism Activity

Exhibit H Art. 4 and 6: Use Regulations for Electric Vehicle Charging Station, and Parking

Exhibit I Art. 5: Fuel-Gas or Chemical Storage Tanks

Exhibit J Art. 3 and 5: Outdoor Lighting

Exhibit K Art. 6: Parking [Off-Street and On-Street]

Exhibit L Art. 14: Environmental Standards

Pages: 93 - 137

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing of ULDC Amendment Round 2019-01 on August 22, 2019.

Land Development Regulation Advisory Board (LDRAB): On February 27, 2019, April 24, 2019 and May 22, 2019, the LDRAB recommended approval of the proposed amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On April 24, 2019 and May 22, 2019, the LDRC found the proposed ULDC amendments to be consistent with the Comprehensive Plan with multiple votes.

BCC Public Hearing: On June 27, 2019, the BCC approved the Request for Permission to Advertise for July 25, 2019 First Reading, with a vote of 7-0.

MOTION: To approve on First Reading and Advertise for Adoption Hearing of ULDC Amendment Round 2019-01 on August 22, 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: ARTICLE 1- GENERAL PROVISIONS: CHAPTER F, NONCONFORMITIES; CHAPTER H, LOT OF RECORD; ARTICLE 2- APPLICATION PROCESSES AND PROCEDURES: CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; ARTICLE 3- OVERLAYS & ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4- USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY USES AND STRUCTURES; CHAPTER E, PERFORMANCE STANDARDS; ARTICLE 6- PARKING: CHAPTER A, PARKING; ARTICLE 7- LANDSCAPING: CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS; ARTICLE 11- SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS: CHAPTER A, GENERAL REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; ARTICLE 14- ENVIRONMENTAL STANDARDS: CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; APPENDIX 8, INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES; 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.

8. [Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ARTICLE 5.G-DENSITY BONUS PROGRAMS, WORKFORCE HOUSING PROGRAM](#)

The proposed Ordinance will account for consistency with the Comprehensive Plan and a specific amendment as follows:

Ordinance Title

Exhibit A Articles 1, 2, AND 5 Workforce Housing Program

Pages: 138 - 169

Project Manager: Maria Bello

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing on August 22, 2019.

Land Development Regulation Advisory Board (LDRAB) Recommendation: On April 24, 2019, the LDRAB recommended approval of the proposed amendment by a vote of 13-1.

Land Development Regulation Commission (LDRC) Determination: On April 24, 2019, the LDRC found the proposed ULDC amendment to be consistent with the Comprehensive Plan by a vote of 14-0.

BCC Public Hearing: On June 27, 2019, the BCC approved the Request for Permission to Advertise for July 25, 2019 First Reading, with a vote of 7-0.

MOTION: To approve First Reading and Advertise for Adoption Hearing on August 22, 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: ARTICLE 1- GENERAL PROVISIONS: CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2- APPLICATION PROCESSES AND PROCEDURES: CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER G, DECISION MAKING BODIES; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER G, DENSITY BONUS PROGRAM; 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

B. DEPARTMENT UPDATE

9. [Title: Governmental Center Lease Agreement with Tina's Cafe.](#)

At the June 4, 2019 meeting the Board required Tina's Café to provide more information on its proposal to extend its existing lease of 2,554 sf of space in the Governmental Center Parking Garage and directed staff to negotiate a new lease on those terms. Tina's is proposing to expend \$130,000 on improvements including new HVAC, electrical, walk-in-cooler, cabinetry, countertops, flooring and fire sprinkler upgrades. Staff continues to question how Tina's will be able to afford this cost. Tina's has requested a 5 year lease with one 5 year extension. Rent will be increased from \$16,601/yr. (\$6.50/sf) to \$21,000/yr. (\$8.20/sf) with 2% annual increases. Staff has prepared this new Lease Agreement including the terms proposed by Tina's. Prior to applying for a building permit, Tina's will be required to provide a detailed permit ready set of plans and specifications to staff for review and approval to ensure that there is no material change in scope and that Tina's will expend \$130,000 as represented. Tina's will also be required to post a bond for the cost of the improvements and will be required to complete those improvements within six (6) months. (Property & Real Estate Management) Countywide (HJF)

Pages: Delivered under separate cover by Facilities.

Project Manager: Eric McClellan

Staff Recommendation: Staff recommends approval.

MOTION: To adopt a Resolution finding that it is in the County's best interest to lease 2,554 sf of space within the Governmental Center Parking Garage to LJL Food Management, Inc. d/b/a Tina's Cafe for a term of 5 years with one 5-year option.

MOTION: To approve a Governmental Center Lease Agreement with LJL Food Management, Inc., d/b/a Tina's Cafe commencing August 1, 2019 and ending July 31, 2024.

10. [Title: Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC.](#)

The Osprey Point Golf Course in Burt Aaronson South County Regional Park was originally designed with a snack bar area within the clubhouse, which was operated pursuant to a Concessionaire Lease Agreement (R2010-1408) with DH2, Inc., the current vendor. The clubhouse was redesigned and a new restaurant building constructed for food service operations. DH2 continued to provide food service from a mobile kitchen trailer during construction of the new building. The Concessionaire Lease Agreement was extended on a month to month basis during construction. In April of 2019, a new RFP was issued for operation of the food service concession. Proposals were received from OPRM and DH2, Inc. On June 17, 2019, a Selection Committee reviewed the proposals, ranked OPRM the highest, and recommended award of the concession to OPRM. DH2 filed a protest on June 22nd. The Director of Facilities Development and Operations (FDO) reviewed all materials related to the RFP and the selection process and denied the protest. The guaranteed annual rent is \$60,000/year (\$5,000/month), with annual 3% increases. OPRM will provide staffing, provisions for a full service restaurant, vending machines, and two (2) mobile carts for food and beverage services on the golf course. The term of the Concessionaire Lease Agreement is for three (3) years, with two 2-year options to extend. OPRM posted the required \$5,000 security deposit. The Parks and Recreation Department (Parks) will manage and administer the Concessionaire Lease Agreement. (Property and Real Estate Management) District 5 (HJF)

Pages: Delivered under separate cover by Facilities.

Project Manager: Ross Hering

Staff Recommendation: Staff recommends approval.

MOTION: To approve a Concessionaire Lease Agreement with Osprey Point Restaurant Management, LLC, a Florida limited liability corporation, for the operation of a food and beverage concession at Osprey Point Golf Course in Burt Aaronson South County Regional Park for \$60,000/year for a period of three (3) years from August 1, 2019 through July 31, 2022.

C. ENGINEERING ITEM

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT