BOARD OF COUNTY COMMISSION
ZONING HEARING

AMENDMENTS TO THE AGENDA
SEPTEMBER 26, 2019

AGENDA

ITEM # PAGE # APPLICATION AND CONTROL #S APPLICATION NAME

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

7. (Agenda Page 9) Environmental Resource Management – A Conservation Easement within the Palm Beach Park of Commerce Planned Industrial Park Development

MOTION: To postpone to October 24, 2019.

B. REMANDS


MOTION: To approve the Applicant’s request to remand to the Zoning Commission on November 7, 2019.
September 24, 2019

Jon MacGillis
Zoning Director
Palm each County
2300 North Jog Road
West Palm each, Fl 33411
jmacgillis@pcog.org

Re: Tridon Northlake
Control Number 1986-00070
Application ABN/CA-2018-02106

Dear Mr. MacGillis,

On behalf of our applicant, we are requesting a remand of the above referenced project to the Zoning Commission on the November 7, 2019 hearing date. This request will allow the applicant the opportunity to provide architectural elevations and expanded documentation related to the Type 1 restaurant location criteria exception so that it may be updated within the staff report. We would greatly appreciate your consideration and support of this request at the board of County Commission hearing scheduled for September 2, 2019.

Thank you, if you have any questions please do not hesitate to contact me.

Sincerely,

Brian Tierney, PLA
Principal
Insite Studio, Inc.

Cc: Commissioner Hal Valeche
Carrie Rechenmacher
William Cross
Ramsay Ulkeley
Jon Samuel
BOARD OF COUNTY COMMISSIONERS
ZONING HEARING

THURSDAY SEPTEMBER 26, 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

SEPTEMBER 26, 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

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

1. **STR-1979-00266-1**  
   **Property Owner:** Carey & Rivera Properties, LLC  
   **General Location:** on the west side of Gulfstream Road, and north of Melaleuca Lane.  
   **Current Zoning:** Residential Multifamily (RM)  
   (Harry R Kalasinski (Control No. 1979-0266))  

   Pages: 1 - 4  
   Project Manager: Bruce Thomson  
   Size: 1.10 acres +  
   BCC District: 3  

   **Staff Recommendation:** Staff recommends approval of the request.

   **MOTION:** To adopt a resolution approving the revocation of the Special Exception to allow an Adult Congregate Living Facility approved by R-1979-1766.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

2. **DOA/CB-2018-02126**  
   **Title:** a Development Order Amendment application of CWA Union Bldg Inc Local 3112, Vertical Bridge Development, LLC - Dan Marinberg by Schmidt Nichols, Agent.  
   **Request:** to reconfigure the Site Plan; reduce square footage; eliminate a soft ball field; and, reduce the number of parking spaces.  
   **General Location:** East side of First Street, approximately 0.5 miles north of Southern Boulevard.  
   (Vertical Bridge Stealth Tower) (Control 1985-00175)  

   Pages: 5 - 40  
   Conditions of Approval (11 - 13)  
   Project Manager: Carolina Valera  
   Size: 4.88 acres +  
   BCC District: 2  

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

   **Zoning Commission Recommendation:** Recommended Approval of a Development Order Amendment as amended, by a vote of 8-0-0.  
   **Zoning Commission Recommendation:** Approved a Class B Conditional Use (with conditions) by a vote of 8-0-0.  

   **MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; reduce square footage; eliminate a soft ball field; and, reduce the number of parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1.
3. **ABN/CA-2018-02106**  
**Title:** a Development Order Abandonment application of Trikon Northlake, LLC by Insite Studio, Agent.  
**Request:** to abandon the Special Exception allowing a Financial institution with five Drive-Up Teller units.  
**Title:** a Class A Conditional Use of Trikon Northlake, LLC by Insite Studio, Agent.  
**Request:** to allow a Type 1 Restaurant with a drive-thru.  
**General Location:** On the north side of Northlake Boulevard (Blvd), approximately 630 feet west of MacArthur Blvd. *Trikon Northlake* (Control 1986-00070)  

**Pages:** 41 - 59  
**Conditions of Approval (47 - 49)**  
**Project Manager:** Carrie Rechenmacher  
**Size:** 2.77 acres +  
**BCC District:** 1  

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

**Zoning Commission Recommendation:** Recommended Approval of a Class A Conditional Use 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 the Special Exception allowing a Financial Institution with five Drive-Up Teller units.  

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a Type 1 Restaurant with a drive-thru subject to the Conditions of Approval as indicated in Exhibit C.  

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**F. CORRECTIVE RESOLUTIONS**  

**G. ABANDONMENTS**  

4. **ABN-2019-00887**  
**Title:** a Development Order Abandonment application of Florida Power Light Company by Cotleur & Hearing Inc., Agent.  
**Request:** to abandon a Special Exception to permit a Public and Private Utility Service and accessory buildings and structures (Electric Power and Light Substation).  
**General Location:** Approximately 0.5 miles northeast of Bee Line Highway and Pratt Whitney Road. *Alexander Substation* (Control 1989-00121)  

**Pages:** 60 - 63  
**Project Manager:** Brenya Martinez  
**Size:** 7.58 acres +  
**BCC District:** 1  

**Staff Recommendation:** Staff recommends approval of the request.  

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon a Special Exception to permit a Public and Private Utility Service and accessory buildings and structures (Electric Power and Light Substation).  

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**END OF CONSENT 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 Resolution R-2008-1377. 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 aka Fountains East MUPD (Control No. 1997-004))

Pages: 64 - 70
Project Manager: Bruce Thomson
Size: 24.57 acres +
BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the motions.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Single Family Residential (RS) Zoning District for property previously rezoned by Resolution R-2002-1017.

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

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. ULDC AMENDMENTS

M. OTHER ITEMS

6. Title: Property & Real Estate Management Division - The Residences of Boca Dunes Civic Site Conversion from Public Civic to Private Civic/Open Space

The Residences of Boca Raton PUD is located on a portion of the former Boca Dunes Golf Course and is generally located west of Lyons Road, north of Southwest 8th Street, east of Southwest 65th Avenue and south of Southwest 3rd Street. It was contemplated that a 1.86 Public Civic Site would be located within the PUD adjacent to an existing PBCWUD site. PREM has determined that it is not in the best interests of Palm Beach County to accept a deed to the 1.86 acre parcel ("Civic Parcel") in light of pre-existing environmental conditions. Therefore, PREM is recommending that the Civic Parcel become Private Civic-Open Space. PREM has consulted with the Civic Parcel owner which has no objection to the change in the designation of the Civic Parcel. In addition, as a result of the County being unwilling to accept a conveyance of the Civic Parcel, PREM deems all of the Conditions of Approval related to the Civic Parcel in Resolution No. R-2019-0179 to be satisfied.

Pages: 71 - 71

Staff Recommendation: PREM recommends that the 1.86 acres be designated Private Civic-Open Space from Public Civic.

MOTION: To approve allowing the Residences of Boca Dunes PUD to convert a 1.86 civic site from Public Civic to Private Civic-Open Space and to deem all previous Conditions of Approval regarding the civic site to be satisfied.
7. **Title:** Environmental Resources Management - A Conservation Easements within the Palm Beach Park of Commerce Planned Industrial Park Development

A Conservation Easement over a 3.48-acre area known as Preserve Area 8 was established in 2010 in accordance with Resolution No. 2005-1419.1 that required a total of 31.90 acres of preserve area within the Park. The property owner has requested that a 0.065 acre portion of Preserve Area 8 be relocated adjacent to Preserve Area 6 to construct a second point of connection for the water distribution system within the Park. The original Conservation Easements for the two preserve areas are replaced with new Conservation Easements that define the new preserve area dimensions. Preserve Area 6 is increased from 0.9656 acres to 1.03 acres. The added area fulfills the preserve criteria for the Park and is compliant with ULDC, Article 14, Chapter C, Vegetation Preservation and Protection, Section 7.B.4. The new preserve area is more environmentally advantageous because it is comprised of a more mature tree canopy and greater diversity of understory species. The proposed Conservation Easements provide language that replace and release the original easements and ensure that the new location is subject to the same land use restrictions as the original location. District 1 (SS)

Pages: 72 - 138
Project Manager: Bonnie Finneran

**Staff Recommendation:** Staff Recommends motion to approve.

**MOTION:** To Approve a replace and release of two Conservation Easements, Preserve 8 recorded in Official Records Book 24145, Page 660 and Preserve 6, original easement recorded in Official Records Book 22773, Page 554, as amended in Official Records Book 30240, Page 126, within the Palm Beach Park of Commerce Planned Industrial Park Development (Park).

END OF REGULAR AGENDA

OTHER DEPARTMENT ITEMS

A. **PURCHASING CONTRACT**

8. **Title:** CLERK & COMPTROLLER

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

Pages: 139 - 144
The Second Amendment to the Agreement updates for Fiscal Year 2020 Exhibit "A" - Annual Budget, Exhibit "E" - Performance Measures, Exhibit "G" - Salary Ranges, and Exhibit "H" - Organizational Chart to apply in Fiscal Year 2020. The Second Amendment to the Agreement revises language in body of contract for the pension contribution. Cultural Council shall provide the TDC with a copy of annual external audit along with management letter on or before March 1 of each fiscal year. The County will not reimburse Cultural Council until Clerk & Comptroller's Office pre-audits invoices in accordance with this Agreement, and subject to the conditions, if any, attached to said approval. Allows the use of pre-payments where the expense is justified and provides a cost savings to the organization. Establishes a process for Cultural Council to request additional funding from reserves. County will advance up to three months of annual operating expenses. Said advance budget funds shall not exceed the Cultural Council's budgeted reserve position projected for the end of the fiscal year. Complies with the County's Commercial Nondiscrimination Policy as amended and adds Exhibit "N" designation to Diversity and agency will prepare agendas for all meetings and minutes taken in compliance with the government Sunshine law. Cultural Council's achievement of the County's SBE goal is raised to twenty (20%) percent. In addition, local preference requirement up to fifty percent (50%) on expenditures for photography, television production, video production, talent agencies, and all visual content using companies that have a place of business in Palm Beach County. The Second Amendment to the Agreement revises Exhibit "F" - Travel & Entertainment Policy addressing changes on travel and entertainment; Exhibit "L" - Purchasing Guidelines changes within the dollar ranges, SBE goals, and sole source purchases; adds Exhibit "M" - Overhead Allocation to the Agreement. The Cultural Council will continue to administer Category B grants totaling $4,295,200 and Category CII grants totaling $530,400 for the County. In addition, indirect cost, grants, and reserves of $6,323,626 are included for a total budget of $9,169,131. The Second Amendment to the Agreement and exhibit changes have been reviewed and approved by the TDC Finance Committee and TDC Board. (TDC) Countywide (DC)

Staff Recommendation: Staff recommends motion to approve.

MOTION: To approve the Second Amendment to the Agreement (R2017-1632) with the Cultural Council of Palm Beach County, Inc. (the "Cultural Council") for the provision of services under the County's Tourist Development Plan during the period October 1, 2019 through September 30, 2020 in the amount not to exceed of $2,845,505 in contractual services and $6,323,626 in indirect costs, grants and reserves for a total of $9,169,131. This will be the third year of a five-year agreement.
The Second Amendment to the Agreement updates for Fiscal Year 2020 Exhibit "A" - Annual Budget, Exhibit "H" - Performance Measures, and Exhibit "I" - Salary Structure to be applied in Fiscal Year 2020. The Second Amendment to the Agreement revises language in body of contract for the pension contribution. The County will not reimburse Discover until Clerk & Comptroller's Office pre-audits invoices in accordance with this Agreement, and subject to the conditions, if any, attached to said approval. Allows the use of pre-payments where the expense is justified and provides a cost savings to the organization. Establishes a process for Discover to request additional funding from reserves. County will advance up to three months of annual operating expenses. Said advance budget funds shall not exceed the agency budgeted reserve position projected for the end of the fiscal year. Allows the use of electronic funds transfer or automated clearing house as proof of payment for goods and services. Discover will accept automated clearing house reimbursements from the Clerk & Comptroller. Discover shall provide the TDC with a copy of annual external audit along with management letter on or before March 1 of each fiscal year. Complies with the County's Commercial Nondiscrimination Policy as amended. Adds Exhibit "M" designation to Diversity and adds Exhibit "L" designation to Certificate of Insurance and increases the agency's fidelity bond to $5,000,000. Discover's achievement of the County's SBE goal is raised to twenty (20%) percent. In addition, local preference requirement up to fifty percent (50%) on expenditures for photography, television production, video production, talent agencies, and all visual content using companies that have a place of business in Palm Beach County. Job advertising will reflect the diversity of the County and agency will prepare agendas for all meetings and minutes taken in compliance with the government Sunshine law. The Second Amendment to the Agreement revises changes to the following Exhibit "E" - Procurement Policy changes within the dollar ranges, SBE goals, and sole source purchases; Exhibit "G" - Travel & Entertainment Policy addressing changes on travel and entertainment; Exhibit "J" - Compensation Policy addressing pension contribution. Indirect cost and reserves of $3,408,871 are included for a total budget of $21,908,871. The Second Amendment to the Agreement and exhibit changes have been reviewed and approved by the TDC Finance Committee and TDC Board.

MOTION: To approve the Second Amendment to the Agreement (R2017-1633) with Discover Palm Beach County, Inc. (Discover) for the provision of services under the County's Tourist Development Plan during the period October 1, 2019 through September 30, 2020 in the amount of $18,500,000 in contractual services and $3,408,871 in indirect costs and reserves for a total of $21,908,871. This will be the third year of a five-year agreement.
The Second Amendment to the Agreement updates fiscal year 2020 Exhibit "A" - Annual Budget, Exhibit "F" - Performance Measures to apply in Fiscal Year 2020. The Second Amendment to the Agreement revises language in body of contract for the pension contribution. County will advance up to three months of annual operating expenses. Said advance budget funds shall not exceed the agency budgeted reserve position projected for the end of the fiscal year. The County will not reimburse PBCFTC until Clerk & Comptroller's Office pre-audits invoices in accordance with this Agreement, and subject to the conditions, if any, attached to said approval. Allows the use of pre-payments where the expense is justified and provides a cost savings to the organization. Establishes a process for PBCFTC to request additional funding from reserves. PBCFTC shall provide the TDC with a copy of annual external audit along with management letter on or before March 1 of each fiscal year. Complies with the County's Commercial Nondiscrimination Policy as amended. Adds Exhibit "N" designation to Diversity and adds Exhibit "O" designation to Certificate of Insurance and increases the agency's fidelity bond to $500,000. PBCFTC's achievement of the County's SBE goal is raised to twenty (20%) percent. In addition, local preference requirement up to fifty percent (50%) on expenditures for photography, television production, video production, talent agencies, and all visual content using companies that have a place of business in Palm Beach County. PBCFTC will prepare agendas for all meetings and minutes taken in compliance with the government Sunshine law. The Second Amendment to the Agreement revises Exhibit "D" - Travel & Entertainment Policy addressing changes on travel and entertainment; Exhibit "M" - Purchasing Guidelines changes within the dollar ranges, SBE goals, and sole source purchases. In addition, indirect cost and reserves totaling $540,587 are included for a total budget of $2,340,587. The Second Amendment to the Agreement and exhibit changes have been reviewed and approved by the TDC Finance Committee and TDC Board. (TDC) Countywide (DC)

Staff Recommendation: Staff recommends motion to approve.

MOTION: To approve the Second Amendment to the Agreement (R2017-1635) with the Palm Beach County Film and Television Commission, Inc. (the PBCFTC) for the provision of services under the County's Tourist Development Plan during the period October 1, 2019 through September 30, 2020 in the amount not to exceed of $1,800,000 in contractual services and $540,587 in direct costs, and reserves for a total of $2,340,587. This will be the third year of a five-year agreement.
The Second Amendment to the Agreement updates for Fiscal Year 2020 Exhibit "A" - Annual Budget, Exhibit "E" - Performance Measures, and Exhibit "J" - Auto Allowance to be applied in Fiscal Year 2020. The Second Amendment to the Agreement updates Exhibit "G" - Salary Structure and Exhibit "H" - Organizational Chart for a new accounting position. The Second Amendment to the Agreement revises language in body of contract for the pension contribution. The County will not reimburse PBCSC until Clerk & Comptroller's Office pre-audits invoices in accordance with this Agreement, and subject to the conditions, if any, attached to said approval. Allows the use of pre-payments where the expense is justified and provides a cost savings to the organization. Establishes a process for PBCSC to request additional funding from reserves. The County will advance up to three months of annual operating expenses. Said advance budget funds shall not exceed the agency budgeted reserve position projected for the end of the fiscal year. Complies with the County's Commercial Nondiscrimination Policy as amended. Adds Exhibit "N" designation to Diversity and Exhibit "M" designation to Certificate of Insurance and increases the PBCSC's fidelity bond to $1,000,000. PBCSC shall provide the TDC with a copy of annual external audit along with management letter on or before March 1 of each fiscal year. PBCSC's achievement of the County's SBE goal is raised to twenty (20%) percent. In addition, local preference requirement up to fifty percent (50%) on expenditures for photography, television production, video production, talent agencies, and all visual content using companies that have a place of business in Palm Beach County. The PBCSC will prepare agendas for all meetings and minutes taken in compliance with the government Sunshine law. The Second Amendment to the Agreement revises Exhibit "C" - Travel & Entertainment Policy addressing changes on travel and entertainment; Exhibit "L" - Purchasing Guidelines changes within the dollar ranges, SBE goals, and sole source purchases. In addition, indirect cost, grants and reserves of $2,928,111 are included for a total budget of $5,051,947. The Second Amendment to the Agreement and exhibit changes have been reviewed and approved by the TDC Finance Committee and TDC Board. (TDC) Countywide (DC)

Staff Recommendation: Staff recommends motion to approve.

MOTION: To approve the Second Amendment to the Agreement (R2017-1634) with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under the County's Tourist Development Plan during the period October 1, 2019 through September 30, 2020 in the amount not to exceed of $2,123,836 in contractual services and $2,928,111 in indirect cost, grants and reserves for a total of $5,051,947. This will be the third year of a five-year agreement.
D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT