



**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**AMENDMENTS TO THE AGENDA  
January 27, 2020**

**AGENDA**

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

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

<b>3.</b>	<b>(Agenda Page 5)</b>	<b>ZV/DOA/CA-2019-00950 (2004-00248)</b>	<b>Town Commons MUPD 2</b>
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**MOTION:** To pull Item #3 from the Consent Agenda.

**(89)**

**AMEND** Engineering Condition 7.a. of Exhibit C-2, to read as follows:

7. The Property Owner shall dedicate...

a. Prior to the issuance of the first Building Permit, the Property Owner shall provide to Palm Beach County Engineering and Right of Way Acquisition Section of Roadway Production Division, (1) documentation in the form of letters of no objection to of the release of any utility easement along and over the proposed right of way dedication, and (2) submittal of all documentation noted above, as determined and approved by the County Engineer. (BLDG PERMIT:MONITORING-Eng)

<b>6.</b>	<b>(Agenda Page 6)</b>	<b>DOA-2019-00325 (1981-00186)</b>	<b>Lee Square</b>
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**MOTION:** To pull Item # 6 from the Consent Agenda.

**(159)**

**AMEND** Landscape Condition 11 of Exhibit C, to read as follows:

11. Landscaping within the Transition Open Space Area shall be upgraded to include the following:

a. a minimum of one pergola structure shall be provided. A fountain feature, sculpture, or other similar object of art is required to be incorporated under the pergola structure, as shown on Detail Design Exhibit 2, dated October 15, 2019.

b. a minimum five (5) foot wide pedestrian walkway paved of precast paving blocks, stamped concrete or other decorative surface shall be provided between the residential development and the commercial development. The width of the walkway shall be expanded around the pergola structure as shown on Detail Design Exhibit 2, dated October 15, 2019, and on the Preliminary Site Plan dated November 12, 2019. (DRO/ONGOING: ZONING - Zoning)

**E. ZONING APPLICATIONS- NEW**

**4. (118) EAC-2019-01972 Haverhill Commons PUD  
(1988-00135)**

**AMEND** Engineering Condition 9 of Exhibit C, to read as follows:

9. The Property Owner shall provide 68 secured bicycle parking spaces, as part of mitigation for the use of Okeechobee Blvd CRALLS. These bicycle parking spaces shall be provided before concurrently at the rate of 1 space for every 4 Certificate of Occupancy issued ~~issuance of the first Certificate of Occupancy~~. These spaces should be shown on the final site plan. (BLDGPMT/CO/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2018-1835, Control No.1988-00135)



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**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**MONDAY JANUARY 27, 2020**

**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/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*



**AGENDA  
PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**JANUARY 27, 2020**

**CALL TO ORDER**

A. Roll Call - 9:30 A.M.

B. Opening Prayer and Pledge of Allegiance

C. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Mayor, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

D. Proof of Publication - Motion to receive and file

E. Swearing In - County Attorney

F. Amendments to the Agenda

G. Motion to Adopt the Agenda

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. DISCLOSURES FOR THE CONSENT ITEMS**

**C. STATUS REPORTS - NEW**

**D. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**E. ZONING APPLICATIONS - NEW**

- 1. [DOA/W-2019-00489](#) Title: a Development Order Amendment application of SSC Property Holdings, LLC by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reconfigure the Site Plan; and, to add square footage.  
Title: a Type 2 Waiver of SSC Property Holdings, LLC by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reduce minimum Fenestration, Building Frontage and dimension of Usable Open Space; and, eliminate a Pedestrian Amenity.  
General Location: West side of Military Trail, approximately 600 feet north of Summit Boulevard. **(Hunts Easy Storage)** (Control 1981-00082)

Pages: 1 - 40

Conditions of Approval (8 - 11)

Project Manager: Travis Goodson

Size: 9.31 acres ±

BCC District: 2

(affected area 3.49 acres ±)

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

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

Zoning Commission Recommendation: Recommended Approval of a Type 2 Waiver (with conditions) by a vote of 8-0-0.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan; and, to add square footage, subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a Resolution approving a Type 2 Waiver to reduce minimum Fenestration, Building Frontage and dimension of Usable Open Space; and, eliminate a Pedestrian Amenity, subject to the Conditions of Approval as indicated in Exhibit C-2.

- 2. [ZV/DOA/CA-2019-01634](#) Title: a Development Order Amendment application of Military Self Storage, LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan, add square footage, modify uses, add land area, and modify Conditions of Approval.

Title: a Class A Conditional Use of Military Self Storage, LLC by Urban Design Kilday Studios, Agent. Request: to allow a Multi-Access Self Service Storage facility.

General Location: West side of South Military Trail, approximately 1,730 feet north of Hypoluxo Road. **(Mangone and Spirk Self-Storage MUPD)** (Control 1987-00134)

Pages: 41 - 78

Conditions of Approval (48 - 55)

Project Manager: Meredith Leigh

Size: 7.27 acres ±

BCC District: 3

(affected area 6.23 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-2 through C-4.

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

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

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

Zoning Commission Recommendation: Recommended Approval of a Class A 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, add square footage, modify uses, add land area, and modify Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan to add square footage 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 a Multi-Access Self Service Storage facility subject to the Conditions of Approval as indicated in Exhibit C-4.

3. [ZV/DOA/CA-2019-00950](#) Title: a Development Order Amendment application of DR Horton, Inc., Lynx Zuckerman at Fort Myers, LLC by WGINC, Agent. Request: to reconfigure the Site Plan; add/delete building square footage and add buildings; modify uses; relocate an access point; modify Conditions of Approval; and, restart the Commencement of Development Clock.  
Title: a Class A Conditional Use of DR Horton, Inc., Lynx Zuckerman at Fort Myers, LLC by WGINC, Agent. Request: to allow a Type 1 Restaurant with a Drive-Through.  
General Location: Northeast corner of Town Commons Drive and Hypoluxo Road, approximately 0.25 miles east of Lyons Road. **(Town Commons MUPD 2)** (Control 2004-00248)

Pages: 79 - 111

Conditions of Approval (87 - 96)

Project Manager: Carrie Rechenmacher

Size: 3.10 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-2 and C-3.

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

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

Zoning Commission Recommendation: Recommended Approval of a Class A 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; add/delete building square footage and add buildings; modify uses; relocate an access point; modify Conditions of Approval; and, restart the Commencement of Development Clock subject to Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-Through subject to Conditions of Approval as indicated in Exhibit C-3.

4. [EAC-2019-01972](#) Title: a Development Order Amendment Expedited Application Consideration application of AHC of West Palm Beach, LLC by Dunay Miskel and Backman LLP, Agent. Request: to amend Conditions of Approval.  
General Location: East side of Haverhill Road, approximately 0.40 miles north of Okeechobee Boulevard. **(Haverhill Commons PUD)** (Control 1988-00135)

Pages: 112 - 129

Conditions of Approval (117 - 121)

Project Manager: Meredith Leigh

Size: 15.33 acres ±

BCC District: 7

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

**MOTION:** To adopt a resolution approving a Development Order Amendment Expedited Application Consideration to amend Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C.

- 5. [Z-2019-01612](#) Title: an Official Zoning Map Amendment application of Southeast Inv Of P B Cty Inc 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: Southeast corner of Atlantic Avenue and State Road 7. **(Young Property South)** (Control 2003-00830)

Pages: 130 - 143

Conditions of Approval (135 - 136)

Project Manager: Ryan Vandenburg

Size: 14.23 acres ±

BCC District: 5

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) (with conditions, as amended) by a vote of 7-0-1.

**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 Conditions of Approval as indicated in Exhibit C.

- 6. [DOA-2019-00325](#) Title: a Development Order Amendment application of Spilan Parcel LLC, Revenue Properties Lantana Inc, Revenue Properties Lantana, Hess Realty LLC by Dunay Miskel and Backman LLP, Insite Studio, Agent. Request: to reconfigure the Site Plan; delete uses; add Multifamily Residential use; and, modify Conditions of Approval.

General Location: Northeast corner of South Jog Road and Lantana Road. **(Lee Square)** (Control 1981-00186)

Pages: 144 - 179

Conditions of Approval (153 - 165)

Project Manager: Ryan Vandenburg

Size: 38.19 acres ±

BCC District: 2

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 (with conditions) by a vote of 8-0-0.

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; delete uses; add Multifamily Residential use; and, modify Conditions of Approval, subject to 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**
  
- 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**

7. [Title: ADOPTION HEARING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2019-02](#)

SUMMARY: 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. 2 HB 7103 Legislation to Modify Timeline for Review of DOs
- Exhibit B Art. 2 ULDC Privately Initiated Amendment
- Exhibit C Art. 2 Monitoring
- Exhibit D Art. 2 Planning Process and Historic Resources Review
- Exhibit E Art. 3 Westgate Redevelopment Area Overlay - Residential Uses
- Exhibit F Art. 3 Residential Building Coverage
- Exhibit G Art. 3 CRE Consistency and RR-10 FLU
- Exhibit H Art. 3 PDD Setback Measurement
- Exhibit I Art. 4 Caretaker Quarters
- Exhibit J Art. 4 Industrial Uses in CH Land Use
- Exhibit K Art. 3 and 5 Community and Neighborhood Park Recreation Standards
- Exhibit L Art. 6 Parking
- Exhibit M Art. 1, 2, and 7 Vegetation Violations and HB 1159
- Exhibit N Art. 7 Easement Overlaps of Landscape Buffers
- Exhibit O Art. 11 Code Reference FLU versus Article 2 process
- Exhibit P Art. 12 TPS Codification of Ord. 2017-023 and Ord. 2009-031

Pages: 180 - 296

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends adoption of an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

Land Development Regulation Advisory Board (LDRAB): On August 28, 2019, September 25, 2019, and November 13, 2019 the LDRAB recommended approval of the proposed amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On November 13, 2019, the LDRC found the proposed ULDC amendments to be consistent with the Comprehensive Plan with a vote of 14-0.

BCC Public Hearing: On November 25, 2019, the BCC approved the Request for Permission to Advertise for First Reading on December 19, 2019 with a vote of 7-0. On December 19, 2019 the BCC approved the First Reading and Advertisement for Adoption Hearing for January 27, 2020 with a vote of 7-0.

**MOTION:** TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE ORDINANCE 2003-067, AS AMENDED AS FOLLOWS: ARTICLE 1 - GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND ACRONYMS; ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES: CHAPTER A, GENERAL, CHAPTER B, PUBLIC HEARING PROCESS, CHAPTER C, ADMINISTRATIVE PROCESSES, CHAPTER D, ULDC PRIVATELY INITIATED AMENDMENT (PIA), CHAPTER E, MONITORING, CHAPTER G, DECISION MAKING BODIES, AND CHAPTER H, FLU PLAN AMENDMENTS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER A, GENERAL, CHAPTER B, OVERLAYS, CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs), AND CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; ARTICLE 5 - SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY USES AND STRUCTURES AND CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; ARTICLE 6 - PARKING: CHAPTER A, PARKING, CHAPTER B, LOADING STANDARDS, AND CHAPTER C, DRIVEWAYS AND ACCESS; ARTICLE 7 - LANDSCAPING: CHAPTER B, APPLICABILITY AND APPROVAL PROCESS, CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS, CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES, CHAPTER F, INSTALLATION AND MAINTENANCE, AND CHAPTER G, ENFORCEMENT; ARTICLE 11 - SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS: CHAPTER A, GENERAL REQUIREMENTS; ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS: CHAPTER B, STANDARD AND CHAPTER R, CORRIDOR MASTER PLANS; 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: INITIATION OF UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2020-01](#)

Solicit feedback from the Board of County Commissioners on the scheduling of ULDC Amendments that have been prioritized for inclusion into Round 2020-01

Pages: 297 - 300

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends a motion to initiate ULDC Amendments for Round 2020-01.

**MOTION:** To initiate ULDC Amendment Round 2020-01 on a list of priority items provided by Staff.

9. [Title: BCC discussion and direction regarding modifications to the ULDC continuation from December 19, 2019.](#)
1. Agricultural Residential (AR) in the Rural Service Area (RSA) - Prepare options on to modify or not, the ULDC for recently adopted Ordinance 2019-039 relating to acreage sizes;
  2. Property Control Number (PCN) - Clarify whether a property with more than one PCN can establish a Landscape Service use for each PCN;
  3. Access requirements - Amend the ULDC requirements for access reduction to be subject to a Type 2 Waiver rather than a Type 2 Subdivision Variance for a Landscape Service that is located within the AR Zoning District. The BCC will continue discussion and provide direction to Staff regarding Agricultural Reserve (AGR) and other Zoning Districts; and,
  4. Landscape Service in the Agricultural Reserve Planned Unit Development (AGR/PUD) Preserves - Amend the ULDC to allow Landscape Service with a Nursery, but only for those businesses that exist in the AGR-PUD Preserves and comply with size limitations of 70/30 (Nursery/Landscape Service).

Pages: 301 - 313

Project Manager: Wendy Hernandez

**M. OTHER ITEMS**

**END OF REGULAR AGENDA**

**OTHER DEPARTMENT ITEMS**

**A. PURCHASING CONTRACT**

**B. DEPARTMENT UPDATE**

**C. ENGINEERING ITEM**

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**D. EXECUTIVE DIRECTOR**

**E. ASSISTANT COUNTY ADMINISTRATOR**

**F. COMMISSIONERS**

**ADJOURNMENT**

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