County Administrator Verdenia C. Baker



ZONING COMMISSION ZONING HEARING

AMENDMENTS TO THE AGENDA MAY 5, 2022

AGENDA

ITEM # PAGE # APPLICATION AND CONTROL #S APPLICATION NAME

CALL TO ORDER -

F. Adoption of the Minutes April 7, 2022 Attachment 1

POSTPONMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONMENTS

9. (6) ABN/CA-2021-00797 Palm Elite Car Wash (2013-00200)

Agent representing the Applicant, requested a Postponement to the July public hearings. Attachment 2.

MOTION: To postpone to July 7, 2022.

CONSENT AGENDA

- D. ZONING APPLICATIONS NEW
- 4. (1-44) ZV/ABN/DOA-2021-01954, Terra Nova MUPD (2004-00457)

Clarification of Staff Report Staff Recommendation page 1 to read as follows:

RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1, C-2, and C-3.

Clarification of Staff Report Staff Conclusion page 8 to read as follows:

CONCLUSION: Staff has evaluated the standards listed under Articles 2.B.2.B.2.B.2.B.7.B; 2.B.7.E; and, 2.B.7.F and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1, C-2, and C-3.

5. (1-19) ZV/ABN/DOA-2021-00997 Broward Motorsports (1987-00006)

AMEND All Petitions Condition 1 of Exhibit C-1 to read as follows:

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 22, 2022 Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

AMEND COMPLIANCE Condition 1 of Exhibit C-1 to read as follows:

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

REGULAR AGENDA

- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS
- 8. (1-13) ZV-2020-02120, Delray Self Service Storage (1994-00053)

DELETE ALL PETITIONS Condition 2 of Exhibit C, and renumber accordingly. [This condition is duplicative of ALL PETITIONS Condition 1.]

- D. ZONING APPLICATIONS NEW
- 10. (12-13) PDD/DOA/CA-2021-01612, PGA Waterfront (1984-00159)

DELETE ENVIRONMENTAL Condition 1 of Exhibit C-2. [This condition is no longer applicable.]:

AMEND ALL PETITIONS Condition 1 of Exhibit C-3 to read as follows:

1. The approved Site Plan is dated March 11, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

AMEND COMPLIANCE Condition 1 of Exhibit C-3 to read as follows:

- 1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/ Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Voluntary Commitments Condition of this Approval. (ONGOING: MONITORING Zoning)
- 11. (1-120) SV/ZV/ABN/PDD/CA-2021-00533, Fount MUPD (1979-00268)

AMEND COMPLIANCE Condition 1 of Exhibit C-2 to read as follows:

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

REVISE AND REPLACE MOTION #2 for Type 2 Variance

MOTION: To adopt a resolution approving a Type 2 Variance to allow a 12 foot easement overlap into a 20-foot Right of Way Landscape Buffer, subject to the Conditions of Approval as indicated in Exhibit C-2.

Verdenia C. Baker



Department of Planning, Zoning & Building

2300 N. Jog Road West Palm Beach, FL 33411 Phone: 561-233-5200

THURSDAY APRIL 7, 2022 MINUTES

CALL TO ORDER

A. Roll Call 9:05 AM

Commissioner John Kern, Chair Present Commissioner Marcelle Griffith Burke, Vice Chair Present Commissioner Cheri Pavlik Present Commissioner Michael Kelley Present Commissioner Sam Caliendo Present Commissioner Sheri Scarborough **Present (9:07)** Commissioner Alex Brumfield Present (9:15) **Commissioner Mark Beatty** Present Commissioner Jess Sowards Present

- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication

Motion to receive and file, approved by a vote of 8-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes

- F. Swearing In County Attorney
- G. Adoption of the Minutes

Motion to receive and file, approved by a vote of 8-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Moved	Second				
Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes

H. Amendments to the Agenda

Mrs. Hernández read into the record modifications published on the Amendments to the Agenda form. In addition advised the Board that Staff was working with the Applicant on Use Limitations Conditions for item #8, SV/DOA-2021-000921 Palm Beach Logistics. Mrs. Hernández advised the Board that there were no cards received for item #10, SV/PDD/CA-2021-00460, All Seasons Delray Beach, and it was at the discretion of the Board if they would like to move the item from the Regular Agenda to the Consent Agenda.

I. Motion to adopt the Agenda

Motion to receive and file, approved by a vote of 8-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes

J. Disclosures

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
9	9	None	None	9,10	9	None	9	9

^{*} Commissioner Beatty filed Memorandum of Voting Conflict Form 8B (F.S. 112.3143) with Zoning Technician for item #3, ABN/PDD-2021-01322 Mountain Business Center MUPD, and item #7, Z-2021-02124 Las Farms Landscape, prior to vote.

K. Amendments to the Agenda

Motion to move item #10 to the Consent Agenda approved by a vote of 9-0-0

	Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
-				Moved	Second				
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Motion to adopt Agenda, as amended, approved by a vote of 9-0-0

Kerr	n Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Moved	Second				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **ZV/ABN/CA-2021-00797** Title: a Type 2 Variance application of Palm Elite Car Wash, Inc.

by URBANA, Agent. Request: to allow the increase in an easement overlap from 5 feet to 10 feet on a 20-foot right-of-way buffer

<u>Title:</u> a Development Order Abandonment application of Palm Elite Car Wash, Inc. by URBANA, Agent. <u>Request:</u> to abandon a Type 2 Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and, increase the setback from the build-to-line

<u>Title:</u> a Class A Conditional Use application of Palm Elite Car Wash, Inc. by URBANA, Agent. <u>Request:</u> to allow a Car Wash

<u>General Location:</u> Northeast corner of South Military Trail and Vermont Avenue (**Palm Elite Car Wash**) (Control 2013-00200)

Pages 1 - 1

Project Manager: James Borsos

Size: 0.93 acres <u>+</u> BCC District: 3

Staff Recommendation: Staff recommends a postponement to Thursday, May 5, 2022.

MOTION: No motion required.

2. <u>ZV-2021-01937</u> <u>Title:</u> a Type 2 Variance application of Richard Critchfield by Dunay Miskel and Backman LLP, Agent. <u>Request:</u> to reduce the side and rear setbacks for Buildings B and C and the outdoor storage area

General Location: Approximately 0.12 mile north of Happy Hollow Road and approximately

0.1 mile west of Lyons Road (Critchfield Holdings) (Control 2004-00206)

Pages 1 - 23

Conditions of Approval Pages (5 - 5) Project Manager: Donna Adelsperger

Size: 4.90 acres <u>+</u>

Staff Recommendation: Staff recommends a postponement to Thursday, May 5, 2022.

MOTION: No motion required.

B. REMANDS

C. WITHDRAWALS

CONSENT AGENDA

- A. REQUESTS TO PULL ITEMS FROM CONSENT
- **B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS
- D. ZONING APPLICATIONS NEW
- 3. <u>ABN/PDD-2021-01322</u> <u>Title:</u> a Development Order Abandonment application of Butters SA, LLC. Malcolm Butters, Southeast Investments of Palm Beach County, Inc. by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to abandon a Conditional Overlay Zone (COZ) granted pursuant to Resolution R-2020-0056 <u>Title:</u> an Official Zoning Map Amendment application of Butters SA, LLC. Malcolm Butters, Southeast Investments of Palm Beach County, Inc. by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District <u>General Location:</u> Southeast corner of Atlantic Avenue and US 441/SR 7 (Mountain Business Center MUPD) (Control 2003-00830)

Pages 1 - 22

Conditions of Approval Pages (6 - 8) Project Manager: Donna Adelsperger

Size: 14.22 acres <u>+</u> BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of an Official Zoning Map Amendment subject to the Conditions of Approval in Exhibit C.

Motion carried by a vote of 8-0-1

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Recused	Yes	Yes	Yes

Board Decision: Recommended Approval of a Zoning Map Amendment by a vote of 8-0-1.

7. <u>Z-2021-02124</u> <u>Title:</u> an Official Zoning Map Amendment application of Las Farms Of The Palm Beaches LC by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District <u>General Location:</u> West of State Road 7, approximately 0.5 miles north of Boynton Beach Blvd (Las Farms Landscape) (Control 1995-50007)

Pages 1 - 9

Conditions of Approval Pages (5 - 5)

Project Manager: Jordan Jafar

Size: 6.95 acres <u>+</u> BCC District: 5

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

MOTION: To recommend approval of 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.

Motion carried by a vote of 8-0-1

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Recused	Yes	Yes	Yes

Board Decision: Recommended Approval of a Zoning Map Amendment by a vote of 8-0-1.

4. <u>DOA/CA-2021-01577</u> <u>Title:</u> a Development Order Amendment application of Central Baptist Church of WPB FL, Inc. by Land Research Management Inc., Agent. <u>Request:</u> to modify the Site Plan and Conditions of Approval, and to delete square footage

<u>Title:</u> a Class A Conditional Use application of Central Baptist Church of WPB FL, Inc. by Land Research Management Inc., Agent. <u>Request:</u> to allow an Elementary or Secondary School (Private)

<u>General Location:</u> South side of Gun Club Road, approximately 600 feet east of Military Trail (Central Baptist Church) (Control 2004-00325)

Pages 1 - 18

Conditions of Approval Pages (6 - 9) Project Manager: James Borsos

Size: 4.43 acres <u>+</u> BCC District: 3

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

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan and Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<u>Board Decision: Recommended Approval of a Development Order Amendment by a vote of</u> 8-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow an Elementary or Secondary School, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

5. <u>DOA-2021-01031</u> <u>Title:</u> a Development Order Amendment application of Chabad Lubavitch of Boynton, Inc. by Land Research Management Inc., Agent. <u>Request:</u> to modify the site plan, uses, and Conditions of Approval (Place of Worship)

<u>Title:</u> a Development Order Amendment application of Chabad Lubavitch of Boynton, Inc. by Land Research Management Inc., Agent. <u>Request:</u> to modify the site plan, uses, and Conditions of Approval (Day Care)

<u>General Location:</u> West side of El Clair Ranch Road, approximately 0.3 miles north of Woolbright Road (**Chabad Lubavitch Temple**) (Control 1997-00068)

Pages 1 - 22

Conditions of Approval Pages (5 - 12)

Project Manager: James Borsos

Size: 2.37 acres <u>+</u> BCC District: 5

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

MOTION: To recommend approval of a Development Order Amendment to modify the site plan, uses, and Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				

es Yes Yes Yes	Yes Yes	Yes Yes	Yes
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<u>Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.</u>

MOTION: To recommend approval of a Development Order Amendment to modify the site plan, uses, and Conditions of Approval (Day Care) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<u>Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.</u>

6. <u>DOA/CA-2021-01576</u> <u>Title:</u> a Development Order Amendment application of Melrose Center Boynton LLC by WGINC, Agent. <u>Request:</u> to modify the Site Plan and Master Plan; add square footage, and uses; and, delete a Condition of Approval <u>Title:</u> a Class A Conditional Use application of Melrose Center Boynton LLC by WGINC, Agent. <u>Request:</u> to allow a Type 1 Restaurant with drive-through

<u>General Location:</u> Northeast corner of State Road 7/US 441 and Armone Place (Melrose PUD Commercial) (Control 1982-00040)

Pages 1 - 29

Conditions of Approval Pages (6 - 18)

Project Manager: Imene Haddad

Size: 4.94 acres <u>+</u> BCC District: 5

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

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan and Regulating plan, add square footage, add uses; and, delete a Condition of Approval subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<u>Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.</u>

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with Drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

8. <u>SV/DOA-2021-00921</u> <u>Title:</u> a Subdivision Variance application of Duke Realty LP - Richard Swindasz, Duke Realty Land LLC by Schmidt Nichols, Agent. <u>Request:</u> to allow access from a road with a higher classification (Benoist Farms Road) rather than from the lower classification (Stinson Way)

<u>Title:</u> a Development Order Amendment application of Duke Realty LP - Richard Swindasz, Duke Realty Land LLC by Schmidt Nichols, Agent. <u>Request:</u> to add land area and square footage and to modify the site plan and Conditions of Approval

<u>General Location:</u> West side of Benoist Farms Road, approximately 0.12 miles south of Belvedere Road (**Palm Beach Logistics Center**) (Control 1988-00019)

Pages 1 - 49

Conditions of Approval Pages (9 - 13)
Project Manager: Timothy Haynes

Size: 23.99 acres + BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

MOTION: To adopt a Resolution approving a Type 2 Subdivision Variance to allow access from a road with a higher classification (Benoist Farms Road) rather than from the lower classification (Stinson Way) subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 9-0-0.

MOTION: To recommend approval of a Development Order Amendment to modify site plan; to add land area; modify the use; and, modify Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<u>Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.</u>

 SV/PDD/CA-2021-00460 <u>Title:</u> a Subdivision Variance application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. <u>Request:</u> to allow access from an individual lot to be permitted directly to a major street (Lyons Road)

<u>Title:</u> an Official Zoning Map Amendment application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

<u>Title:</u> a Class A Conditional Use application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. <u>Request:</u> to allow a Congregate Living Facility (CLF)

<u>General Location:</u> East side of Lyons Road, approximately 0.76 miles north of Linton Boulevard (All Seasons Delray Beach) (Control 2012-00424)

Pages 1 - 81

Conditions of Approval Pages (10 - 15)
Project Manager: Timothy Haynes

Size: 14.73 acres +

(affected area 9.73 acres +)

BCC District: 5

<u>Staff Recommendation:</u> Staff is recommending approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

MOTION: To adopt a Resolution approving a Type 2 Subdivision Variance to allow access from individual lot to be permitted directly to a major street (Lyons Road).

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 9-0-0.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserved (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

- **E. CORRECTIVE RESOLUTIONS**
- F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT
- **B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS
- D. ZONING APPLICATIONS NEW
- 9. <u>ZV/ABN/DOA-2021-01529</u> <u>Title:</u> a Type 2 Variance application of Gilco 1 Racing, LLC, Gilco 1 Racing LLC, Palm Beach Owner, LLC by Urban Design Studio, Agent. <u>Request:</u> to eliminate cross access, a Compatibility Buffer, Right-of-Way Buffer

<u>Title:</u> a Development Order Abandonment application of Gilco 1 Racing, LLC, Gilco 1 Racing LLC, Palm Beach Owner, LLC by Urban Design Studio, Agent. <u>Request:</u> to abandon Requested Uses for an Arena, Auditorium or Stadium, Indoor/Outdoor Entertainment, Auto Paint and Body, Convenience Store with Gas Sales, Manufacturing and Processing, and Vehicles Sales and Rental, an Electronic Message Center and the Alternative Sign Plan

<u>Title:</u> a Development Order Amendment application of Gilco 1 Racing, LLC, Gilco 1 Racing LLC, Palm Beach Owner, LLC by Urban Design Studio, Agent. <u>Request:</u> to reconfigure the site plan; delete and modify uses; and, modify Conditions of Approval

<u>Title:</u> a Development Order Amendment application of Gilco 1 Racing, LLC, Gilco 1 Racing LLC, Palm Beach Owner, LLC by Urban Design Studio, Agent. <u>Request:</u> to modify uses

<u>General Location:</u> North side of Bee Line Highway, approximately 1 mile west of Pratt Whitney Road (Portman Industrial MUPD) (Control 1997-00034)

Pages 1 - 116

Conditions of Approval Pages (14 - 23)

Project Manager: Timothy Haynes

Size: 186.53 acres +

(affected area 186.38 acres +)

BCC District: 1

<u>Staff Recommendation:</u>: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 (Type 2 Variance), Exhibit C-2 (Development Order Amendment - MUPD); and Exhibit C-3 (Development Order Amendment - Requested Uses).

MOTION: To adopt a Resolution denying a Type 2 Variance to eliminate cross access, a Compatibility Buffer, and a Right-of-Way Buffer, loading area and outdoor storage and screening, without prejudice.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Denied, without prejudice, a Type 2 Variance by a vote of 9-0-0.

MOTION: To recommend denial of a Development Order Amendment to reconfigure the site plan; delete and modify uses; and modify Conditions of Approval, subject to the Conditions of Approval, without prejudice.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<u>Board Decision: Recommended Denial of a Development Order Amendment, without prejudice, by a vote of 9-0-0.</u>

MOTION: To recommend denial of a Development Order Amendment to modify uses, without prejudice.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<u>Board Decision: Recommended Denial of a Development Order Amendment, without prejudice, by a vote of 9-0-0.</u>

- E. SUBDIVISION VARIANCE
- F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

- A. COUNTY ATTORNEY
- **B. ZONING DIRECTOR**
- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- **E. COMMISSIONERS**

ADJOURNMENT 12:00 PM

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

					A State of the sta
LAST NAME—FIRST NAME—MIDDLE NAME		NAME OF BOA	RD, COUNCIL, COMMISSIO	ON, AUTHORITY, OR COMMITTEE	
BEATTY MARK STEVEN		PALM BEACH CO	OUNTY ZONING COMMISS	ION	
MAILING ADDRESS				UTHORITY OR COMMITTEE ON	
2461 PALM HARBOR DRIVE		WHICH I SERVI	E IS A UNIT OF:		
		CITY	√ COUNTY	OTHER LOCAL AGENCY	
CITY	COUNTY	_			
PALM BEACH GARDENS, FLORIDA	PALM BEACH	NAME OF POLI	ITICAL SUBDIVISION:		
DATE ON WHICH VOTE OCCURRED		MY POSITION I	IS:		
ARSTAINED FROM VOTING ITEMS #3 ARN/PDF	1-2021-01322 & #7 7-2021-02124		□ FLECTIVE	APPOINTIVE	- 1

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

* *

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

• You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- · A copy of the form must be provided immediately to the other members of the agency.
- · The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the
 meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the
 agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOS	SURE OF LOCAL OFFICER'S INTEREST	
I, MARK STEVEN BEATTY	hereby disclose that on APRIL 07,	20 22 :
(a) A measure came or will come before my ager	ncy which (check one)	
✓ inured to my special private gain or loss;		
inured to the special gain or loss of my bu	usiness associate,	;
inured to the special gain or loss of my re	lative,	;
inured to the special gain or loss of		, by
whom I am retained; or		
inured to the special gain or loss of		, which
is the parent organization or subsidiary of	f a principal which has retained me.	
(b) The measure before my agency and the natu	are of my conflicting interest in the measure is as follows:	
	EEN LLC. RETAINED JMORTON PLANNING AND LANDSCAF LANDSCAPE ARCHITECTURE SERVICES FOR CANYON	PΕ
ZONING COMMISSION PUBLIC APRIL 07 2022 AGENDA ITEM #3 ABN/PDD-202 AGENDA ITEM #7 Z-2021-02124	21-01322	

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

CE FORM 8B - EFF. 1/2000 PAGE 2

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BEATTY MARK STEVEN		NAME OF BOA	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE			
		PALM BEACH CO	PALM BEACH COUNTY ZONING COMMISSION			
MAILING ADDRESS			THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON			
2461 PALM HARBOR DRIVE		WHICH I SERVE IS A UNIT OF:				
		CITY	√ COUNTY	OTHER LOCAL AGENCY		
CITY	COUNTY					
PALM BEACH GARDENS, FLORIDA	PALM BEACH	NAME OF POLI	NAME OF POLITICAL SUBDIVISION:			
DATE ON WHICH VOTE OCCURRED		MY POSITION I	IS:			
ARSTAINED FROM VOTING ITEMS #3 ARN/PDD-2021-01322 & #7 7-2021-02124			□ FLECTIVE	APPOINTIVE	- 1	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

* *

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

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• You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- · A copy of the form must be provided immediately to the other members of the agency.
- · The form must be read publicly at the next meeting after the form is filed.

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- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the
 meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the
 agency, and the form must be read publicly at the next meeting after the form is filed.

DISCL	OSURE OF LOCAL OFFICER'S INTEREST	
I, MARK STEVEN BEATTY	, hereby disclose that on APRIL 07,	20 22 :
(a) A measure came or will come before my	agency which (check one)	
✓ inured to my special private gain or local	ss;	
inured to the special gain or loss of m	y business associate,	
inured to the special gain or loss of m	y relative,	;
inured to the special gain or loss of		, by
whom I am retained; or		
inured to the special gain or loss of		, which
is the parent organization or subsidiar	y of a principal which has retained me.	
(b) The measure before my agency and the r	nature of my conflicting interest in the measure is as follows:	
	REEN LLC. RETAINED JMORTON PLANNING AND LANDSCA E LANDSCAPE ARCHITECTURE SERVICES FOR CANYON	VPE
ZONING COMMISSION PUBL APRIL 07 2022 AGENDA ITEM #3 ABN/PDD-2 AGENDA ITEM #7 Z-2021-021	2021-01322	

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

CE FORM 8B - EFF. 1/2000 PAGE 2



Gary Dunay
Bonnie Miskel
Scott Backman

Hope Calhoun

Dwayne Dickerson

Ele Zachariades

Matthew H. Scott

Christina Bilenki
Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

Via Electronic Mail

April 25, 2022

Lisa Amara, Zoning Director
Palm Beach County
Planning, Zoning and Building Department
2300 North Jog Road
West Palm Beach, FL 33411

Re: Request for Postponement and Extension to Receive Approval
Critchfield Holdings (Control No. 2004-00206, Application No. ZV-2021-0193795) ("Variance")

Dear Lisa:

Please accept this letter as a request postponement of the Variance application from the May 5, 2022 Zoning Commission meeting to the June 2, 2022 Zoning Commission meeting. At this time, Applicant is working to reconfigure the proposed site plan to reduce the Variance request and ensure staff support for the requested Variance.

The Variance application currently has a decision deadline of May 30, 2022. Additional time is needed for the Variance approval to allow for modification to the site plan to reduce the number of variances requested. As such, we respectfully request a thirty (30) day extension for approval from May 30, 2022 to June 29, 2022.

Please do not hesitate to contact me at (786) 763-0565 should you have any questions or need additional information to approve this time extension. Thank you.

Sincerely,

Beth Schrantz, Director of Planning Services

Dunay, Miskel and Backman, LLP

Beth Schrants

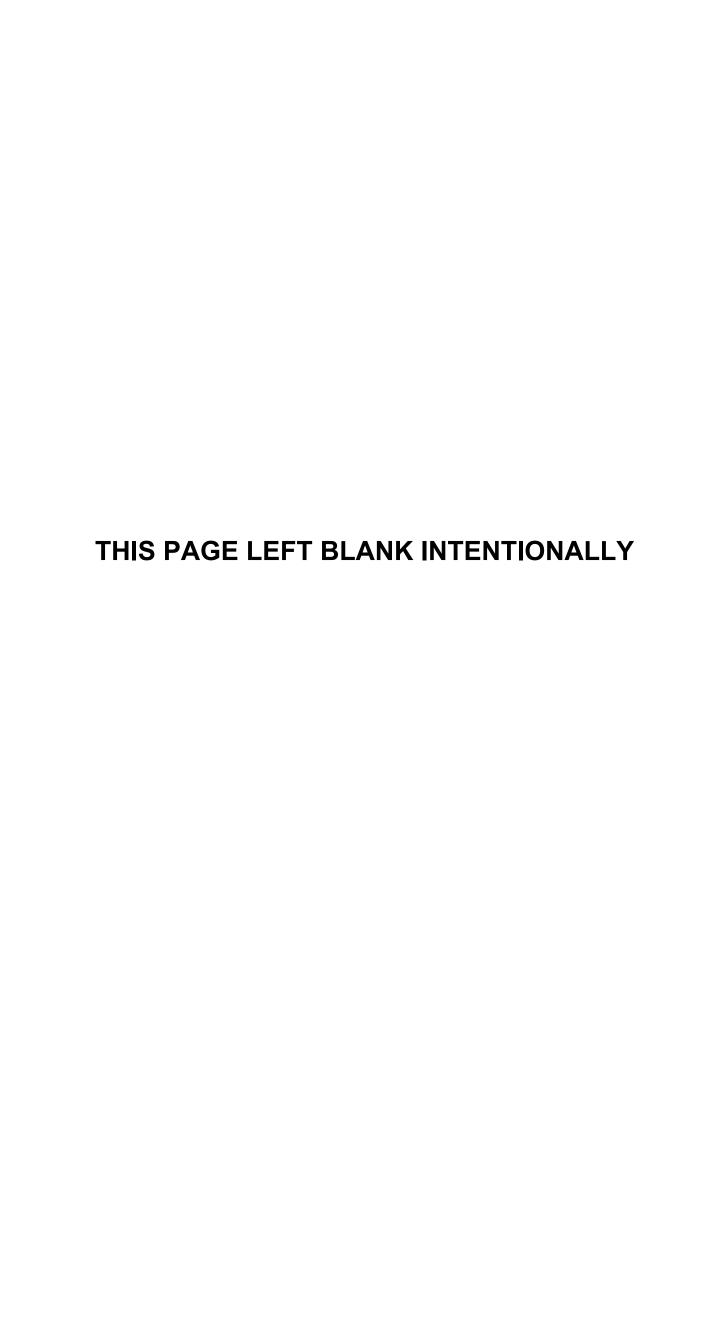
cc: Wendy Hernandez, Deputy Zoning Director

Donna Adelsperger, Site Planner II

Ele Zachariades, Esq.

14 S.E. 4th Street, Suite 36, Boca Raton, FL 33432 | Tel: [561] 405-3300 | Fax: [561] 409-2341 | www.dmbblaw.com

ZV-2021-01937 Page 2



Verdenia C. Baker



2300 N. Jog Road West Palm Beach, FL 33411 Phone: 561-233-5200 Fax: 561-233-5165

ORDER OF BUSINESS ZONING COMMISSION PALM BEACH COUNTY, FLORIDA

THURSDAY MAY 5, 2022

9:00 A.M.

Vista Center, Ken Rogers Hearing Room, VC-1W-47 2300 N Jog Rd, West Palm Beach, 33411

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication
- F. Swearing In
- G. Adoption of the Minutes
- H. Amendments to the Agenda
- I. Motion to adopt the Agenda
- J. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

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



ZC AGENDA MAY 2022 PAGE i

AGENDA PALM BEACH COUNTY ZONING COMMISSION

MAY 5, 2022

CALL TO ORDER

- A. Roll Call 9:00 A.M.
- B. Opening Prayer, and Pledge of Allegiance
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center, Ken Rogers Hearing Room, VC-1W-47, 2300 N Jog Rd, West Palm Beach, 33411, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on accepting, rejecting, or modifying the recommendations of staff regarding other requests. The Board of County Commissioners of Palm Beach County will conduct a public hearing in the 6th Floor, Jane Thompson Memorial Chambers, 301 N Olive Ave, West Palm Beach, 33401, at 9:30 A.M. on Thursday, May 26, 2022 to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional Uses, Requested Uses, Planned Developments, Development Order Amendments, Waiver Requests and Administrative Inquiries.

D. 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 Chair, 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.

- E. Proof of Publication Motion to receive and file.
- F. Adoption of the Minutes
- G. Swearing In County Attorney
- H. Amendments to the Agenda
- I. Motion to adopt the Agenda
- J. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. <u>ZV-2021-01937</u> <u>Title:</u> a Type 2 Variance application of Richard Critchfield by Dunay Miskel and Backman LLP, Agent. <u>Request:</u> to reduce setbacks for the outdoor storage area

<u>Title:</u> a Type 2 Variance application of Richard Critchfield by Dunay Miskel and Backman LLP, Agent. <u>Request:</u> to reduce the side and rear setbacks for Buildings B and C

<u>General Location:</u> Approximately 0.12 mile north of Happy Hollow Road and approximately 0.1 mile west of Lyons Road (**Critchfield Holdings**) (Control 2004-00206)

Pages 1 - 2

Project Manager: Donna Adelsperger

Size: 4.90 acres <u>+</u> BCC District: 5

Staff Recommendation: Staff recommends postponement to June 2, 2022.

MOTION: No motion required.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

2. <u>CA-2020-02103</u> <u>Title:</u> a Class A Conditional Use application of Evergreen 1 LLC. by Brahm Development LLC, Agent. <u>Request:</u> to allow over 24 Multifamily units in the Multifamily Residential (RM) Zoning District

<u>Title:</u> a Class A Conditional Use application of Evergreen 1 LLC. by Brahm Development LLC, Agent. <u>Request:</u> to allow Workforce Housing Program Density Bonus greater than 50 percent

<u>General Location:</u> West side of Old Military Trail, approximately 600 feet north of Orlando Avenue (Evergreen Townhouse) (Control 2019-00177)

Pages 1 - 25

Conditions of Approval Pages (8 - 11) Project Manager: Brenya Martinez

Size: 4.52 acres + BCC District: 2

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

MOTION: To recommend approval of a Class A Conditional Use Request to allow over 24 Multifamily units in the Multifamily Residential (RM) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use Request to allow Workforce Housing Program Density Bonus greater than 50 percent in a Standard Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-2.

3. <u>Z-2021-02038</u> <u>Title:</u> an Official Zoning Map Amendment application of Neil Hannon by AJ Entitlements & Plannings LLC, Agent. <u>Request:</u> to allow a rezoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District

<u>General Location:</u> West side of S Elizabeth Ave., approximately 0.67 miles south of Northlake Boulevard and 0.39 miles west of N Military Trail (Elizabeth Street at Square Lake) (Control 1973-00079)

Pages 1 - 16

Conditions of Approval Pages (4 - 4)

Project Manager: Jerome Ottey

Size: 2.37 acres <u>+</u> BCC District: 1

<u>Staff Recommendation:</u> Staff recommends approval of the request, subject to the Condition of Approval as indicated in Exhibit C.

MOTION: To recommend a Resolution approving an Official Zoning Map Amendment from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District subject to the Condition of Approval as indicated in Exhibit C.

4. <u>ZV/ABN/DOA-2021-01954</u> <u>Title:</u> a Type 2 Variance application of Principal Commercial Group LLC, Principal Development Group LLC by AJP Consulting Services LLC, WGINC, Agent. <u>Request:</u> to reduce the width of divider medians and relocate foundation planting <u>Title:</u> a Development Order Abandonment application of Principal Commercial Group LLC, Principal Development Group LLC by AJP Consulting Services LLC WGINC Agent

Principal Development Group LLC by AJP Consulting Services LLC, WGINC, Agent. Request: to abandon a Type 1 Restaurant with drive-through

<u>Title:</u> a Development Order Amendment application of Principal Commercial Group LLC, Principal Development Group LLC by AJP Consulting Services LLC, WGINC, Agent.

Request: to modify the Site Plan; add square footage; delete and modify uses

<u>General Location:</u> Approximately .06 mile northwest of Atlantic Avenue and Hagen Ranch Road (Terra Nova MUPD) (Control 2004-00457)

Pages 1 - 44

Conditions of Approval Pages (9 - 17)
Project Manager: Imene Haddad

Size: 17.67 acres ± BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

MOTION: To adopt a resolution approving a Type 2 Zoning Variance to reduce the width of divider medians and relocate foundation planting subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: No motion required.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan; add square footage; delete and modify uses subject to the Conditions of Approval as indicated in Exhibits C-2 and C-3.

5. ZV/ABN/DOA-2021-00997 Title: a Type 2 Variance application of Broward Motorsports of Palm Beach, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to increase the Build to Line setback Title: a Development Order Abandonment application of Broward Motorsports of Palm Beach, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a partial abandonment of a Special Exception for Repair Facility

<u>Title:</u> a Development Order Amendment application of Broward Motorsports of Palm Beach, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to modify the Site Plan, add building square footage, and modify the Conditions of Approval

<u>General Location:</u> Southwest corner of Okeechobee Boulevard and North Congress Avenue (**Broward Motorsports of Palm Beach**) (Control 1987-00006)

Pages 1 - 36

Conditions of Approval Pages (8 - 15) Project Manager: James Borsos

Size: 3.87 acres <u>+</u> BCC District: 7

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

MOTION: To adopt a resolution approving a Type 2 Variance to increase the Build to Line setback subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: No motion required.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan, add building square footage, and modify the Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

6. <u>ZV/ABN/DOA-2021-02048</u> <u>Title:</u> a Type 2 Variance application of VC6 Acquisition LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to eliminate a Type 1 Compatibility Buffer

<u>Title:</u> a Development Order Abandonment application of VC6 Acquisition LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to abandon a Type 3 Congregate Living Facility

<u>Title:</u> a Development Order Amendment application of VC6 Acquisition LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to amend the Master Plan and modify uses

<u>General Location:</u> Located at the terminus of Vista Parkway, approximately .63 mile northeast of Okeechobee Boulevard and N. Jog Road. (Vista Center Parcel 6) (Control 1984-00130)

Pages 1 - 48

Conditions of Approval Pages (9 - 20)

Project Manager: Imene Haddad

Size: 493.73 acres +

BCC District:

(affected area 22.10 acres +)

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

MOTION: To adopt a Resolution approving a Type 2 Variance to eliminate a Type 1 Compatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: No motion required.

MOTION: To recommend approval of a Development Order Amendment to amend the Master Plan and modify uses subject to the Conditions of Approval as indicated in Exhibit C-2.

E. CORRECTIVE RESOLUTIONS

7. <u>CRZ-2022-00612</u> <u>Title:</u> a Corrective Resolution - ZC application of JJ Gilbane, LLC, FLM Jupiter Gardens, LLC by Shutts and Bowen LLP, Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to correct Conditions of Approval contained in Resolution ZR-2022-004

<u>General Location:</u> South side of Jupiter Gardens Boulevard, approximately 320 feet west of Central Boulevard (**Jupiter Gardens Apartments**) (Control 2021-00092)

Pages 1 - 1

Conditions of Approval Pages (1 - 1)

Project Manager: James Borsos

Size: 4.65 acres +

BCC District: 1

<u>Staff Recommendation:</u> To recommend approval of a Resolution to correct Conditions of Approval in ZR-2022-004.

MOTION: To adopt a Resolution to correct Conditions of Approval contained in Resolution ZR-2022-004.

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

8. <u>ZV-2020-02120</u> <u>Title:</u> a Type 2 Variance application of West Atlantic Commercial Properties, LTD by WGINC, Agent. <u>Request:</u> to allow for the reduction in minimum lot size.

<u>General Location:</u> North side of West Atlantic Avenue, approximately 0.25 miles west of South Military Trail. (**Delray Self Service Storage**) (Control 1994-00053)

Pages 1 - 13

Conditions of Approval Pages (4 - 4) Project Manager: Imene Haddad

Size: 4.53 acres ± BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a Resolution approving a Type 2 Variance to allow for the reduction in minimum lot size subject to the Conditions of Approval as indicated in Exhibit C.

9. <u>ABN/CA-2021-00797</u> <u>Title:</u> a Development Order Abandonment application of Palm Elite Car Wash, Inc. by URBANA, Agent. <u>Request:</u> to abandon a Type 2 Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and, increase the setback from the build-to-line

<u>Title:</u> a Class A Conditional Use application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to allow a Car Wash

<u>General Location:</u> Northeast corner of South Military Trail and Vermont Avenue (Palm Elite Car Wash) (Control 2013-00200)

Pages 1 - 20

Conditions of Approval Pages (6 - 7) Project Manager: James Borsos

Size: 0.93 acres + BCC District: 3

<u>Staff Recommendation:</u> Staff recommends denial of the request, without prejudice, for failure to meet Art. 2.B.7.B.2. Conditional Use/Development Order Amendment Standards c. Compatibility with Surrounding Uses and d. Design Minimizes Adverse Impacts.

Should the Zoning Commission move to recommend approval of the request, Staff recommends Conditions of Approval as indicated in Exhibit C.

MOTION: No motion required.

MOTION: To recommend denial of a Class A Conditional Use to allow a Car Wash, without prejudice, for failure to meet Art. 2.B.7.B.2. Conditional Use/Development Order Amendment Standards c. Compatibility with Surrounding Uses and d. Design Minimizes Adverse Impacts.

D. ZONING APPLICATIONS - NEW

10. PDD/DOA/CA-2021-01612 <u>Title:</u> an Official Zoning Map Amendment application of Nicholas Smith, PGA Partners 100 LLC, Cameron Ferris, Michael Ferris, Betty Ferris, PGA Waterway Condos LLC - Dan Catalfumo by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. <u>Request:</u> to allow a rezoning from a Multifamily Residential (RM) Zoning District to the Planned Unit Development (PUD) Zoning District

<u>Title:</u> a Development Order Amendment application of Nicholas Smith, PGA Partners 100 LLC, Cameron Ferris, Michael Ferris, Betty Ferris, PGA Waterway Condos LLC - Dan Catalfumo by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. <u>Request:</u> to modify the Site Plan; add land area, units, and uses; and, modify Conditions of Approval

<u>Title:</u> a Class A Conditional Use application of Nicholas Smith, PGA Partners 100 LLC, Cameron Ferris, Michael Ferris, Betty Ferris, PGA Waterway Condos LLC - Dan Catalfumo by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. <u>Request:</u> to allow a Marina

<u>General Location:</u> Southwest corner of PGA Boulevard and Ellison Wilson Road (**PGA Waterfront Residential PUD**) (Control 1984-00159)

Pages 1 - 60

Conditions of Approval Pages (9 - 16) Project Manager: Timothy Haynes

Size: 10.97 acres <u>+</u> BCC District: 1

<u>Staff Recommendation:</u> Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 through Exhibit C-3.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from a Multifamily Residential (RM) Zoning District to the Planned Unit Development (PUD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan; add land area, units and uses; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional Use to allow a Marina, subject to the Conditions of Approval as indicated in Exhibit C-3.

11. <u>SV/ZV/ABN/PDD/CA-2021-00533</u> <u>Title:</u> a Subdivision Variance application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. <u>Request:</u> To allow an increase Projected Daily Trips for a 60-foot Right-of-Way (Elmhurst Road)

<u>Title:</u> a Type 2 Variance application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. <u>Request:</u> to allow for a 12-foot overlap of an easement into a 20-foot Right of Way Landscape Buffer

<u>Title:</u> a Development Order Abandonment application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. <u>Request:</u> to abandon a Special Exception to allow a Fraternal Organization and Club Facilities; and, a Special Exception for a Governmental Service and Accessory Buildings and structures, including Recreation and Club facilities

<u>Title:</u> an Official Zoning Map Amendment application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. <u>Request:</u> to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

<u>Title:</u> a Class A Conditional Use application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. <u>Request:</u> to allow a Transfer of Development Rights (TDR)

<u>Title:</u> a Class A Conditional Use application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. <u>Request:</u> to allow Workforce Housing Program (WHP) Density Bonus greater than 50 percent

<u>General Location:</u> South side of Okeechobee Boulevard, approximately 0.38 miles west of Haverhill Road (Fount MUPD) (Control 1979-00268)

Pages 1 - 120

Conditions of Approval Pages (14 - 21)

Project Manager: Imene Haddad

Size: 27.66 acres <u>+</u> BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-5.

MOTION: To adopt a resolution approving a Subdivision Variance to allow an increase Projected Daily Trips for a 60-foot Right-of-Way (Elmhurst Road) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Type 2 Variance to allow a reduction in the number of parking spaces; the width of the Right-of-Way buffer, and to allow a 15-foot overlap of an easement into a 20-foot R-O-W landscape buffer, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: No motion required.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicted in Exhibit C-3.

MOTION: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights (TDR) subject to the Conditions of Approval as indicated in Exhibit C-4.

MOTION: To recommend approval of a Class A Conditional Use to allow Workforce Housing Program (WHP) Density Bonus greater than 50 percent subject to the Conditions of Approval as indicated in Exhibit C-5.

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

- A. COUNTY ATTORNEY
- **B.** ZONING DIRECTOR
- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. COMMISSIONERS

ADJOURNMENT