



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING
AMENDMENTS TO THE AGENDA
FEBRUARY 23, 2023**

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

11. **SCA-2022-0029 Towns at Tidewater FLUA** (Control 2014-00014)

MOTION: To postpone to March 23, 2023

12. **Z/CA-2021-02123, Towns at Tidewater Zoning** (Control 2014-00014)

MOTION: To postpone to March 23, 2023

CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

REGULAR

C. Future Land Use Amendment and Zoning Applications

10. **ABN/DOA-2022-01281 Trotting Center** (Control 1983-00017)

AMEND - **Development Order Amendment Condition of Approval in Exhibit C ENVIRONMENTAL** Condition 8 as shown below with added text underlined:

8. Prior to the commencement of any clearing, grading, filling, or site development, the applicant shall conduct species-specific survey(s) that utilize the approved protocols and recommended methodologies by the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC), if required by the applicable regulatory authority and shall coordinate with the appropriate regulatory authority, e.g., FWC, USFWS. (BLDGPMT/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

February 22, 2023

Lisa Amara, Zoning Director
Kevin Fischer, Planning Director
Palm Beach County PZB Department
2300 N. Jog Road
West Palm Beach, Florida 33411

Re: Towns at Tidewater (Z/CA 2021-2123 & SCA 2022-019) Board of County Commission Postponement by Right (ULDC Art. 2.B.6.E.1)

Dear Lisa and Kevin;

On behalf of the Applicant, we respectfully request a 30 day postponement from the February 23, 2023 Board of County Commission public hearing. The additional time is needed as we continue discussion with the Ranches Road residents.

We appreciate your consideration of this request. Should you have any questions please feel free to contact me.

Sincerely,

JMorton Planning & Landscape Architecture, Inc.



Lauren McClellan
Senior Project Manager

cc: Stephanie Gregory, Principal Planner
Donna Adelsperger, Senior Site Planner

LM/jbt

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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

**THURSDAY FEBRUARY 23, 2023
9:30 A.M. 6TH FLOOR
JANE M. THOMPSON MEMORIAL CHAMBERS**

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

REGULAR

OTHER DEPARTMENT ITEMS

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

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

**ZONING HEARING AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
FEBRUARY 23, 2023**

CALL TO ORDER

- A. Roll Call - 9:00 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 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.

- 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

CONSENT AGENDA

- A. Requests to pull items from Consent
- B. Zoning Applications

1. [Z-2022-01305 Hezron Lopez](#) (Control 2022-00073)

Title: an Official Zoning Map Amendment application of Hezron Lopez by JC Planning Solutions LLC, Agent. **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Multifamily (RM) Zoning District on 1.00 acres

General Location: West side of Knuth Road, approximately 761 feet north of Boynton Beach Boulevard (**Hezron Lopez**) (Control 2022-00073)

Project Manager: Nancy Frontany

Size: 1.00 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests, 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 by a vote of 7-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Multifamily (RM) Zoning District subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C.

2. [Z-2022-01497 Guardian Manufacturing](#) (Control 1973-00102)

Title: an Official Zoning Map Amendment application of Andrew Kobosko (Guardian Manufacturing LLC) by WGINC, Agent. **Request:** to allow a rezoning from the General Commercial (CG) Zoning District to the Light Industrial (IL) Zoning District on 1.10 acres

General Location: Northeast corner of Southern Boulevard and Tall Pines Road

Project Manager: Phil Myers

Size: 1.10 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests, 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 by a vote of 7-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Light Industrial (IL) Zoning District subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C.

3. [EAC-2022-01280 APEC](#) (Control 1988-0021)

Title: a Development Order Amendment (Expedited Application Consideration (EAC)) application of Dolphin Stations LLC by Schmidt Nichols, Agent. **Request:** to modify the property boundaries and delete land area on 2.74 acres

General Location: Northeast corner of Congress Avenue and Summit Boulevard

Project Manager: Cody Sisk

Size: 2.74 acres ±

BCC District: 3

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

Zoning Commission Recommendation: None required

MOTION: To adopt a resolution approving an Expedited Application Consideration Development Order Amendment to reconfigure the site plan subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving an Expedited Application Consideration Development Order Amendment to reconfigure the site plan subject to the Conditions of Approval as indicated in Exhibit C-2.

4. [EAC-2020-01587 Busch Wildlife Sanctuary Foundation](#) (Control 2019-00070)

Title: a Development Order Amendment (Expedited Application Consideration (EAC)) application of BWS Foundation Holdings LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent.

Request: to modify the Site Plan and Conditions of Approval on 19.46 acres

General Location: Southwest corner of Indiantown Road and Rocky Pines Road

Project Manager: Vincent Stark

Size: 19.46 acres ±

BCC District: 1

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

Zoning Commission Recommendation: None required

MOTION: To adopt a resolution approving a Development Order Amendment (Expedited Application Consideration (EAC)) to modify the Site Plan and Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C.

END OF CONSENT AGENDA

REGULAR AGENDA

- A. Items Pulled From Consent
- B. Disclosures For Items Pulled From The Consent Agenda
- C. Future Land Use Amendment and Zoning Applications

5. [SCA-2023-00010 Soma Medical FLUA](#) (Control 2014-00217)

Title: a Small Scale Future Land Use Amendment application of Soma Investors LLC - Jacqueline Nunez by 2GHO Inc., Agent. **Request:** To change the future land use designation from Low Residential, 1 unit per acre (LR-1) to Commercial Low Office with an underlying Low Residential, 1 unit per acre (CL-O/1).

General Location: West side of State Road 7, approximately 0.25 miles north of Lantana Road

Project Manager: Jorge Perez

Size: 1.66 acres +

BCC District: 6

Staff Recommendation: Approval of the proposed amendment to change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Commercial Low Office with an underlying Low Residential, 1 unit per acre (CL-O/1) with a condition.

Planning Commission Recommendation: PLC Recommended Approval in an 8 to 0 vote at the Feb. 10, 2023 public hearing.

MOTION: To adopt an ordinance for the Soma Medical amendment.

6. [Z/CA-2022-00895 Soma Medical - State Road 7](#) (Control 2014-00217)

Title: an Official Zoning Map Amendment application of Soma Investors LLC by 2GHO Inc., Agent. **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District on 1.66 acres

Title: a Class A Conditional Use application of Soma Investors LLC by 2GHO Inc., Agent. **Request:** to allow a Medical or Dental Office on 1.66 acres

General Location: West side of State Road 7, north of Lantana Road

Project Manager: Alex Biray

Size: 1.66 acres ±

BCC District: 6

DISCLOSURE

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 an Official Zoning Map Amendment by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended approval of a Class A Conditional Use by a vote of 7-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving of a Class A Conditional Use to allow a Medical or Dental Office, subject to the Conditions of Approval as indicated in Exhibit C-2.

7. [LGA-2023-00008 Hunters Crossing FLUA](#) (Control 2013-00360)

Title: a Large Scale Future Land Use Amendment application of DiVosta Homes L.P., C. Hendrix by Urban Design Studio, Agent. **Request:** To change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Low Residential, two units per acre (LR-2)

General Location: South side of Lake Worth Road, approximately 0.30 miles east of State Road 7.

Project Manager: Inna Stafeychuk
Size: 36.90 acres

BCC District: 6

Staff Recommendation: Approval with modifications of the proposed amendment to change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Low Residential, two units per acre (LR-2). Staff's recommended conditions include a cap of 117 units, requiring 16% of the total units as workforce housing units onsite and the purchase of 43 transfer of development rights.

Planning Commission Recommendation: The Planning Commission recommended approval with modifications in a 11 to 0 vote at the November 4, 2022 public hearing. The modifications included requiring 12% of the total units as workforce housing units and the purchase of 21 transfer of development rights as proposed by the applicant.

BCC Transmittal: The BCC transmitted with the applicant's proposed conditions (also recommended by PLC) in a 7 to 0 vote at the November 28, 2022 public hearing.

MOTION: To adopt an Ordinance for the Hunters Crossing amendment.

8. [Z/CA-2022-00844 Hunter's Crossing](#) (Control 2013-00360)

Title: an Official Zoning Map Amendment application of DiVosta Homes L.P., C. Hendrix by Urban Design Studio, Agent. **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District on 36.90 acres

Title: a Class A Conditional Use application of DiVosta Homes L.P., C. Hendrix by Urban Design Studio, Agent. **Request:** to allow Zero Lot Line (ZLL) dwelling units on 36.90 acres

Title: a Class A Conditional Use application of DiVosta Homes L.P., C. Hendrix by Urban Design Studio, Agent. **Request:** to allow Townhouse dwelling units on 36.90 acres

General Location: South side of Lake Worth Road approximately 900 feet east of SR-7.

Project Manager: Joyce Lawrence
Size: 36.90 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests, subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibits C-1, C-2 and C-3.

DISCLOSURE

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

Zoning Commission Recommendation: Recommended approval of a Class A Conditional Use by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended approval of a Class A Conditional Use by a vote of 7-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District, with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow Townhouse dwelling units, subject to the Conditions of Approval as indicated in Exhibit C-3.

9. [LGA-2023-00012 Trotting Center FLUA and Text](#) (Control 1983-00017)

Title: a Large Scale Future Land Use Amendment application of Lynx at Lake Worth, LLC - Michael McCarty by Wantman Group Inc., Agent. **Request:** To change a future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2), and to revise the text of the Future Land Use Element of the Comprehensive Plan to revise rural Tier Policies to create an overlay and allow 2 units per acre on the site.

General Location: West side of State Road 7 approximately 0.4 miles south of Hypoluxo Road

Project Manager: Stephanie Gregory

Size: 105.98 acres +

BCC District: 6

Staff Recommendation: Denial of the proposed text and FLUA amendment to change a future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2).

Planning Commission Recommendation: PLC Recommended Approval with conditions in a 11 to 1 vote at the Nov. 4, 2022 public hearing.

BCC Transmittal: BCC Transmitted with conditions in a 6 to 1 vote at the Nov. 28, 2022 public hearing.

MOTION: To adopt an ordinance for the Trotting Center FLUA and text amendment.

10. [ABN/PDD-2022-01281 Trotting Center](#) (Control 1983-00017)

Title: a Development Order Abandonment application of Zuckerman Homes by WGINC, Agent. **Request:** to abandon the Special Exception for a horse breeding and training farm including accessory buildings and structures and on-site water and sewage treatment plant on 105.58 acres

Title: an Official Zoning Map Amendment application of Zuckerman Homes by WGINC, Agent. **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 105.98 acres

General Location: West side of State Road 7 approx. 2,000 feet south of Hypoluxo Road.

Project Manager: Imene Haddad

Size: 103.32 acres ±

BCC District: 6

DISCLOSURE

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 an Official Zoning Map Amendment by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a horse breeding and training farm including accessory buildings and structures and on-site water and sewage treatment plant.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District as indicate in Exhibit C.

11. [SCA-2022-0029 Towns at Tidewater FLUA](#) (Control 2014-00014)

Title: Towns at Tidewater, a Small Scale Future Land Use and Proposed Text Amendment application of Medjool Nurseries LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** To change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5).

General Location: West side of State Road 7, approximately 0.4 miles south of Hypoluxo Rd.

Project Manager: Inna Stafeychuk

Size: 9.24 acres

BCC District: 2

Staff Recommendation: Denial of the proposed amendment to change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5). Should the Board choose to adopt this amendment, staff recommends the request be amended to LR-3 with conditions of approval to cap the site at 69 units, to require 23% (16) of the units be required as workforce housing onsite, and the full purchase of available TDR units (28).

Planning Commission/LPA Recommendation: PLC recommended approval with conditions in Exhibit 1 in a 10 to 0 vote, including amending the request to LR-3 with conditions including cap at 69 units, 23 percent of the total units a WHP onsite and full purchase of TDRs (28).

MOTION: To deny the Towns at Tidewater FLUA amendment.

12. [Z/CA-2021-02123, Towns at Tidewater Zoning](#) (Control 2014-00014)

Title: an Official Zoning Map Amendment application of Medjool Nurseries LLC by JMorton Planning and Landscape Architecture, Agent. **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District on 9.24 acres

Title: a Class A Conditional Use application of Medjool Nurseries LLC by JMorton Planning and Landscape Architecture, Agent. **Request:** to allow Townhouse (TH) dwelling units on 9.24 acres.

General Location: South side of Hypoluxo Road approximately 0.83 miles east of Jog Road

Project Manager: Donna Adelsperger

Size: 9.24 acres

BCC District: 2

DISCLOSURE

Staff Recommendation: Approval of the Official Zoning Map Amendment subject to the Condition of Approval as indicated in Exhibit C-1

Staff Recommendation: Denial of the Class A Conditional Use to allow Townhomes.

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

Zoning Commission Recommendation: Denial of a Class A Conditional Use 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 Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District subject to the Condition of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution denying a Class A Conditional Use to allow Townhouse (TH) dwelling units without prejudice. Should the BCC approve this request, staff recommends the Conditions of Approval as indicated in Exhibit C-2.

E. **ULDC Amendments**

13. [Electric Vehicle Charging Stations](#), ULDC Second Reading/Final Adoption

Summary: The item before the Board is final adoption of County proposed revision to the Unified Land Code Development (ULDC) for Electric Vehicle Charging Stations (EVCSs) regulations. This is Phase I of a series of amendments to implement direction from the Board regarding EVCS requirements and implementation.

Title: 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: REVISION FOR ELECTRIC VEHICLE CHARGING STATIONS, AMENDING ARTICLE 1 - GENERAL PROVISIONS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; ARTICLE 4 - USE REGULATIONS; ARTICLE 6 - PARKING, LOADING, AND CIRCULATION; 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.

Staff Recommendation: Staff recommends adoption of the Ordinance.

LDRAB Recommendation: The LDRAB recommended approval by a vote of 12-0-0 on January 17, 2023.

LDRC Determination: The LDRC determined the amendment is consistent with the Comprehensive Plan by a vote of 12-0-0 on January 17, 2023.

BCC Public Hearing - First Reading: On January 11, 2023 the BCC approved the Request for Permission to Advertise with a vote of 6-0-0. On January 26, 2023, the BCC approved the First Reading and Advertisement for Adoption Hearing with a vote of 6-0-0.

MOTION: To approve on Second Reading and adopt the Ordinance.

14. [Residential Future Land Use Designations](#), ULDC Second Reading/Final Adoption

Summary: The item before the Board is final adoption of a County proposed revision to the Unified Land Development Code (ULDC) to implement amendments to the Comprehensive Plan adopted by Ordinance No. 2018-031, Residential Future Land Uses, in addition to associated changes to accessory uses and structures.

Title: 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: REVISION FOR RESIDENTIAL FUTURE LAND USE DESIGNATIONS, AMENDING ARTICLE 1 - GENERAL PROVISIONS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; ARTICLE 4 - USE REGULATIONS; ARTICLE 5 - SUPPLEMENTARY STANDARDS; 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..

Staff Recommendation: Staff recommends adoption of the Ordinance.

LDRAB Recommendation: The LDRAB met on January 17, 2023 and recommended approval by a vote of 12-0-0.

LDRC Determination: The LDRC met on January 17, 2023 and determined the amendment is consistent with the Comprehensive Plan by a vote of 12-0-0.

BCC Public Hearing - First Reading: On January 11, 2023 the BCC approved the Request for Permission to Advertise with a vote of 6-0-0. On January 26, 2023, the BCC approved the First Reading and Advertisement for Adoption Hearing with a vote of 6-0-0.

MOTION: To approve on Second Reading and adopt the Ordinance.

END OF REGULAR AGENDA

COMMENTS

- A. County Attorney
- B. Zoning Director
 - 15. Zoning Division Overview
- C. Planning Director
- D. Executive Director
 - 16. Residential in Planned Development Civic Pods
- E. Assistant County Administrator
- F. Commissioners

ADJOURNMENT