



**BOARD OF COUNTY COMMISSION
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
DECEMBER 3, 2015**

AGENDA

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

A. POSTPONEMENTS

7.	(42-66)	SCA-2015-00015 (Control 1990-00017)	Boynton Beach Blvd Self Storage
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MOTION: To postpone to Thursday, January 7, 2016

8.	(67-111)	ZV/DOA/R-2015-01235 (Control 1990-00017)	Boynton Beach Blvd Self Storage
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MOTION: To postpone to Thursday, January 7, 2016

REGULAR AGENDA

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9.	(112-148)	EAC-2015-01468 (Control 2006-00185)	Jupiter/Palm Beach Motorcoach Resort RVPD
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DELETE: ALL PETITIONS - Condition 2

DELETE: LANDSCAPE – GENERAL - Conditions 1 and 2

AMEND: LANDSCAPE – GENERAL - Conditions 3, 4 and 6 to read as follows:

3. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2014-210 ...

Is hereby amended to read:

In addition to the code requirements, landscaping and buffering along the south property line, except for the firebreak area, shall be upgraded to include:

- a. buffer width shall be a minimum of forty (40) feet;
- b. a six (6) foot high wall;
- c. one (1) Dahoon Holly for each twenty (20) linear feet of the property line. Height shall be a minimum of twelve (12) feet at installation. Trees shall be planted on the north side of the proposed wall;
- d. one (1) pine for each twenty (20) linear feet of the property line; and shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. Pine species shall be of South Florida Slash Pines or a similar species that is approved by the Landscape Section. Trees shall be planted on the north side of the proposed wall;

- e. ~~one (1) ligustrum for each twenty (20) linear feet of the property line. Height shall be a minimum of twelve (12) feet at time of installation. Trees shall be planted on the south side of the proposed wall;~~
- f. ~~one (1) orange geiger for each twenty (20) linear feet of the property line. Height shall be a minimum of twelve (12) feet at time of installation. Trees shall be planted on the south side of the proposed wall;~~ one (1) small tree, in accordance with FPL guidelines Right Tree in the Right Place, shall be planted for each 25 feet of property line;
- g.f. a six (6)-foot high continuous hedge consisting of Wax Myrtles or a similar species approved by the Landscape Section. The hedge material shall be allowed to count toward the ULDC required quantity for large shrubs;
- h.g. Saw Palmetto shall replace the ULDC requirement for medium shrubs ~~and planted on both sides of the wall;~~ and,
- i. h. all ULDC small shrub materials shall be of native species. (ONGOING: ZONING - Zoning)

4. Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2014-210...

~~Is hereby deleted. [Reason: Consolidated with Landscape Condition 1].~~

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the Property Owner shall submit an Alternative Landscape Plan (ALP) for review and approval by the Zoning Division. The ALP shall be prepared in compliance with all landscape related Conditions of Approval as contained herein and shall be consistent with the Type II Variance approvals dated February 7, 2014. (DRO: ZONING -Zoning)

6. Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2014-210, Control No.2006-00185 which currently states:

Prior to final approval by the Development Review Officer (DRO), the Property Owner shall submit an updated Tree Survey that show all the vegetation to be preserved, removed, relocated or mitigated. The Tree Survey shall show the most current site situation within six (6) months of February 27, 2014. ~~[NOTE: COMPLETED]. (DRO:ZONING -Zoning) (Previous LANDSCAPE -GENERAL Condition 6 of Resolution R-2014-210, Control No.2006-00185)~~

Is hereby amended to read:

Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Alternative Landscape Plan to include an updated Tree Log, previously described in the Boundary Survey dated March 30, 2006 and updated March 10, 2014. The Tree Log shall be in a tabular format that indicates the Palm/Tree Number, Common Name of the Palm/Tree, the Crown Spread of Tree or Diameter, the Number of trees/palms required to replace the removed tree/palm, and how the tree/palm will be replaced and/or mitigated (i.e. Preserve, Relocated on site, Mitigate on-site, Mitigate off-site (location) previous disposition of all trees and palms that were to be preserved, relocated and mitigated and a separate column to indicate the revised disposition which includes removal, replacement or mitigation on-site; or off-site mitigation, and whether a tree is designated a Zoning tree or an ERM tree). All Zoning designated trees shall be replaced on site. (DRO:ZONING -Zoning)

RENUMBER ACCORDINGLY



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY DECEMBER 3, 2015

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. Adoption of Agenda

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.



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

DECEMBER 3, 2015

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. Motion to Adopt Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

1. [STR-2005-00454-2](#) Status Report for Resolutions R-2009-0507, R-2009-0508, R2009-0509 (Control No. 2005-454). Property Owner: SRR Holdings LLC General Location: West side of SR 7, approximately 2,000 feet north of Lantana Road. Current Zoning: Planned Unit Development (PUD) **(Brentwood of Wellington (Control 2005-00454))**

Pages: 1 - 5

Size: 9.17 acres ±

BCC District: 3

MOTION: To approve a two-year time extension from November 30, 2014 to November 30, 2016.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 2. [ZV/ABN/DOA-2015-00765](#) Title: a Development Order Abandonment application of Newman Window and Door - Tad Newman by Jon E Schmidt & Associates, Agent. Request: to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562.

Title: a Development Order Amendment of Newman Window and Door - Tad Newman by Jon E Schmidt & Associates, Agent. Request: to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation).

General Location: Approximately 300 feet south of Belvedere Road on the east side of Pike Road. **(934 Pike LLC)** (Control 2010-00352)

Pages: 6 - 27

Conditions of Approval (10 - 13)

Project Manager: Roger Ramdeen

Size: 1.90 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 15 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment with a vote of 8-0-0

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

- 3. [CRB-2015-02227](#) Title: a Corrective Resolution application of MPC 3 by PBC Planning Zoning and Building, Agent. Request: to correct the legal description contained in Resolution R-2015-0239.

General Location: Southwest corner of Cleary Road and Belvedere Road. **(Florida Public Utilities Company Corporate Center)** (Control 2009-02465)

Pages: 28 - 29

Project Manager: Donna Adelsperger

Size: 9.02 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Corrective Resolution to correct the legal description contained in Resolution R-2015-0239.

4. **CRB-2015-02229** Title: a Corrective Resolution application of Donna Klein Jewish Academy Inc. by Palm Beach County Planning Zoning and Building, Agent. Request: to correct Conditions of Approval, Landscaping 3 through 6, contained in Resolution R-2015-0537.

General Location: North of Happy Hollow Road, west of Lyons Road. **(Delray Marketplace - Happy Hollow Charter School)** (Control 2004-00616)

Pages: 30 - 31

Project Manager: Donna Adelsperger

Size: 23.51 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Corrective Resolution to correct Conditions of Approval, Landscaping 3 through 6, contained in Resolution R-2015-0537.

5. **CRB-2015-02372** Title: a Corrective Resolution application of PGA Partners 100 LLC by Palm Beach County PZ and B, Agent. Request: to correct the legal description contained in Resolution R-2015-0695.

General Location: Southwest corner of PGA Boulevard and Ellison Wilson Road. **(Aqualina PUD)** (Control 1984-00159)

Pages: 32 - 34

Project Manager: Donna Adelsperger

Size: 6.74 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Corrective Resolution to correct the legal description contained in Resolution R-2015-0695.

G. ABANDONMENTS

H. OTHER ITEMS

- 6. Title: Termination and release of Master Declaration of Restrictive Covenants for Workforce Housing (Cheney Ranch PUD)

Background:

Pursuant to a prior Development Order (Planning Condition 1 of Resolution R-2099-0020, Control No. 2008-00290) for the Property, the Declarant executed and recorded a Master Declaration of Restrict Covenant For Workforce Housing In Accordance With The Palm Beach county Workforce Housing Program, dated February 19, 2009 and recorded March 16, 2009 in Official Records Book 23127, Page 0919 of the Public Records of Palm Beach County, Florida (the "Original WFH Covenant");

and

Previous conditions of approval applicable in Resolution R-2009- 0020 (Control No. 2008-00290) have been consolidated in Resolution R-2015-0536 (Control No. 2008-00290); and

Resolution R-2015-0536 specifically deleted the requirement of Planning Condition 1 of Resolution R-2009-0020 (Control No. 2008-00290) requiring the recordation of the Original WFH Covenant.

Pages: 35 - 41

Staff Recommendation: To Approve and Authorize the Mayor to execute the Termination and Release of Master Declaration of Restrictive Covenants for Workforce Housing.

MOTION: To Approve and Authorize the Mayor to execute the Termination and Release of Master Declaration of Restrictive Covenants for Workforce Housing.

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

7. [SCA-2015-00015](#) Title: Boynton Beach Blvd Self Storage application of DAVID DASZKAL by CMS Engineering LLC, Agent. Request: To change a Future Land Use designation from Commercial Low with an underlying 5 units per acre (CL/5) to Commercial High (CH).

General Location: South of Boynton Beach Boulevard, east of Hagen Ranch Road. **(Boynton Beach Blvd Self Storage)** (Control 1990-00017)

Pages: 42 - 66

Project Manager: Missy Michael

Size: 1.16 acres ±

BCC District: 5

Staff Recommendation: Approval of the proposed amendment from Commercial Low with an underlying 5 units per acre (CL/5) to Commercial High with an underlying 5 units per acre (CH/5).

Planning Commission Recommendation: Planning Commission recommended Denial by a vote of 7-4.

MOTION: To adopt an ordinance approving the proposed amendment from Commercial Low with an underlying 5 units per acre (CL/5) to Commercial High with an underlying 5 units per acre (CH/5).

8. [ZV/DOA/R-2015-01235](#) Title: A Development Order Amendment application of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to reconfigure the Site Plan, modify and delete Conditions of Approval (Architectural Control, Building and Site Design, Engineering, Cross Access, Ingress/Egress Easement, LWDD, Unity, Dumpster, MUPD and Mass Transit), add a Requested Use, and restart the commencement clock.

Title: a Requested Use of Branch Banking & Trust Company by CMS Engineering LLC, Agent. Request: to allow a Car Wash.

General Location: Approximately 500 feet east of the southeast corner of Hagen Ranch Road and Boynton Beach Boulevard. **(Boynton Beach Self Storage Facility)** (Control 1990-00017)

Pages: 67 - 111

Conditions of Approval (75 - 85)

Project Manager: Christine Stivers

Size: 6.32 acres \pm

BCC District: 5

(affected area 1.15 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 47 Conditions of Approval as indicated in Exhibit C-2 and 6 Conditions of Approval as indicated in Exhibit C-3.

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

Zoning Commission Recommendation: Recommended Approval of a Requested Use with a vote of 7-1-0

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan, modify and delete Conditions of Approval (Architectural Control, Building and Site Design, Engineering, Cross Access, Ingress/Egress Easement, LWDD, Unity, Dumpster, MUPD and Mass Transit), add a Requested Use, and restart the commencement clock subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow a Car Wash subject to the Conditions of Approval as indicated in Exhibit C-3.

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9. [EAC-2015-01468](#) Title: an Expedited Application Consideration application of Jupiter Palm Beach Motor Coach Resort LL by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master and Site plans; modify and delete Conditions of Approval (Landscape and Use Limitation); and, add phase lines.
General Location: One mile west of Jupiter Farms Road on the north side of Indiantown Road. (**Jupiter/Palm Beach Motorcoach Resort RVPD**) (Control 2006-00185)

Pages: 112 - 148

Conditions of Approval (117 - 124)

Project Manager: Roger Ramdeen

Size: 17.20 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to the 34 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Expedited Application Consideration to reconfigure the Master and Site plans; modify and delete Conditions of Approval (Landscape and Use Limitation); and, add phase lines subject to the Conditions of Approval as indicated in Exhibit C.

J. ZONING APPLICATIONS - NEW

10. [DOA/R-2015-01215](#) Title: a Development Order Amendment application of W & W XXIV, LLC by Coteleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan, delete Conditions of Approval (Architecture); restart the commencement clock; and add a Requested Use.

Title: a Requested Use of W & W XXIV, LLC by Coteleur & Hearing Inc., Agent. Request: to allow a Type I Restaurant with a drive-through.

General Location: Lantana Road and 86th Drive South, approximately 1,000 feet east of Lyons Road. **(Merchants Walk MUPD)** (Control 2004-00354)

Pages: 149 - 182

Conditions of Approval (154 - 161)

Project Manager: Melissa Matos

Size: 4.82 acres \pm

BCC District: 3

(affected area 1.25 acres \pm)

DISCLOSURE

Staff Recommendation: Staff Recommends approval of the requests subject to the 31 Conditions of Approval as indicated in C-1 and 4 Conditions of Approval as indicated in C-2.

Zoning Commission Recommendation: Recommended Approval of a Requested Use with a vote of 8-0-0

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

MOTION: To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan, delete Conditions of Approval (Architecture); restart the commencement clock; and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Requested Use to allow a Type I Restaurant with drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

K. ULDC AMENDMENTS

11. Title: [REQUEST FOR PERMISSION TO ADVERTISE](#)
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2015-02

Pages: 183 - 220

Staff Recommendation: Staff recommends a motion to approve on preliminary reading and advertise for First Reading on January 7, 2016.

MOTION: To approve on preliminary reading and advertise for First Reading on January 7, 2016: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS, CHAPTER I; DEFINITIONS & ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER D, EXCAVATION; ARTICLE 5- SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; ARTICLE 7- LANDSCAPING; CHAPTER B, TYPES OF PLANS; CHAPTER D, GENERAL STANDARDS; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; ARTICLE 8- SIGNAGE; CHAPTER H, OFF-SITE SIGNS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

L. COMPREHENSIVE PLAN TEXT AMENDMENTS

M. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

12. Title: [Use Regulation Project Update](#) - Excavation Uses

Pages: 221 - 261

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. DEPUTY COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT