



**BOARD OF COUNTY COMMISSION
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
DECEMBER 7, 2016**

Agenda

<u>Item #</u>	<u>PAGE #</u>	<u>Application and Control #s</u>	<u>Application Name</u>
----------------------	----------------------	--	--------------------------------

CONSENT AGENDA

E- ZONING APPLICATIONS - NEW

7.	(148-179)	ABN/PDD/DOA-2016-01248 (2014-00064)	Flavor Pict Townhomes PUD
-----------	------------------	--	----------------------------------

ADD Condition 3 to Development Order Amendment, All Petitions:

3. Based on Article 2.E of the Unified Land Development Code, this Development Order meets the requirements to receive a new three (3) year review date from the Date of Approval of this Resolution. (DATE: MONITORING – Zoning)

AMEND AND REPLACE Condition 1 of Planned Development to read as follows:

1. Amenities for each Neighborhood Park shall include the following:
 - a. a minimum of three (3) seating areas with benches;
 - b. a minimum of one (1) trellis/shaded structure shall be provided for one of the three (3) seating areas. The structure shall have a minimum of six (6) feet in width and eighteen (18) feet in length. Climbing vines shall be incorporated into the design of each structure;
 - c. a minimum four (4) foot wide pedestrian walkway paved of precast paving blocks, stamped concrete or other decorative surface shall be provided in each seating area;
 - d. each Park shall be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
 - e. a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
 - f. a minimum of one (1) pet waste station; and,
 - g. details for all items indicated above shall be subject to review and approval by the Zoning Division. (BLDGPMT/ONGOING: ZONING - Zoning)

ADD Condition 2 of Planned Development to read as follows and renumber accordingly:

2. Amenities for the Open Space located on the south portion of the site shall include the following:
 - a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
 - b. a minimum of two (2) pedestrian benches;
 - c. a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
 - d. a minimum of one (1) pet waste station; and,
 - e. details for all items indicated above shall be subject to review and approval by the Zoning Division. (BLDGPMT/ONGOING: ZONING - Zoning)

REGULAR AGENDA

J. ZONING APPLICATIONS – NEW

12.	(305-358)	SV/CB/CA-2016-00447 (2013-00168)	Divine Savior Academy
------------	------------------	---	------------------------------

ADDENDUM TO STAFF REPORT:

ACTION BY THE ZONING COMMISSION (ZC): At the November 3, 2016 ZC Hearing this item was postponed to the December 2, 2016, due to an error in the legal ad. A motion to postpone the application passed with a vote of 8-0. At time of publication for the December 7, 2016 BCC hearing, a recommendation had not been rendered by the ZC.

At the December 2, 2016 ZC Hearing, this application was on the Regular Agenda. Staff provided an overview of the project and recommendation of approval for all requests. The Applicant's Agent, Ms. Rebecca Miller, provided a presentation, followed by the development team (Patrick Cunningham - Planner, Robert Rennebaum - Engineer, Carlos Leyrer - Pastor, and Alan Ciklin - Attorney) providing a summary of the project and addressing concerns/issues that have been raised by the public. Their summary described how the project was designed, including but not limited to, the site layout and function, architecture, buffering, parking, and drop off of students. Mr. Rennebaum provided a summary of the traffic analysis, timing of the roadway construction and phasing, and a summary on the request for approval of the subdivision variance for access onto a major Street.

Following the presentation, Mr. Schiller, Attorney representing Mizner Country Club, provided a power point presentation, submitting documents to support their request to deny the application. His key points were: uncertainty regarding the expansion of Lyons Road, stacking of cars, public safety, Lyons Road is at its full capacity now, the construction of Lyons would not be completed until 2020, and access to the site.

Several members of the public were there in both support, and opposition. Bob Schulbaum, President of the Delray Alliance spoke on their opposition to the request citing concerns with the timing of the development and intensity of the use. There were 27 public comment cards in support and 77 in opposition. The concerns from the public included the traffic and congestion on Lyons Road, the timing of the project and the expansion of Lyons Road, safety of the students for drop off and pick up, bicycles on Lyons, questioning the uses and clarification of Place of Worship location, creation of hardship by the applicant, and the ability of emergency vehicles to get to residential communities.

Those who spoke in support stated that the drop-off of students at the existing facility is well run, that parents do not drop off children on the road, the use will be a good neighbor and will fit into the community.

The ZC asked Engineering Staff when construction for Lyons Road will commence and be complete. Staff responded that the construction will tentatively commence in Spring 2018 and probably complete in 2020. The ZC also asked Zoning Staff how drop-off/pick-up activities will be handled and monitored. Zoning Staff responded that there are some critical issues that need to be addressed by the Applicant, and Staff has recommended conditions of approval requiring the Applicant to submit hours of operation for the school and daycare, and the drop-off/pick-up circulation must be shown on the Final Site Plan.

Attorney Schiller provided Mr. Robert Banks, County Chief Land Use County Attorney, questions for cross examination. Based on Mr. Banks' review of the questions, Mr. Schiller was allowed to ask Joanne Keller, Director of Land Development questions, regarding the construction timing of Lyons Road. Mr. Ciklin requested to cross examine the Traffic consultant who prepared a document submitted by Mr. Schiller; however, because he was not present at the hearing, no cross examination could be conducted.

The ZC raised the following concerns: Environmental issues, increase of traffic congestion on Lyons Road due to school zone speed limit, timing of the road construction, phasing of the conditions of approval, queuing for the drop off of students, and circulation surrounding the subject site. The following reasons for those who supported the requests are: Divine Savior Academy will be a good addition to the neighborhood, expansion of Lyons Road will alleviate any possible traffic issues, and Staff has included conditions of approval to address concerns on traffic.

The Zoning Commission voted to approve the Subdivision Variance and Class B Conditional Use for the General Daycare and recommended approval for the Class A Conditions Uses for the Place of Worship and Private School with the same vote as follows:

Vote

Sheri Scarborough, Chair	- Denial
Joseph Snider	- Absent
William Anderson	- Approval
Carmine Priore	- Approval
Alex Brumfield III	- Approval
Mark Beatty	- Approval
Robert Currie	- Abstain to assure a fair proceeding free from potential bias or prejudice pursuant to Sec. 286.012, F.S.
Amir Kanel	- Absent
Sam Caliendo	- Absent

MODIFICATION TO STAFF REPORT CONDITIONS OF APPROVAL

DELETE Environmental Condition 1 of Exhibit C-1.

AMEND Architectural Review Condition 1 of Exhibits C-2; C-3 and C-4 to read as follows:

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations ~~for the~~ shall be submitted for final review and approval by the Zoning ...

DELETE Engineering Condition 4 of Exhibits C-2; C-3 and C-4 and renumber accordingly.

AMEND Engineering Conditions 7, 8, 9, 10 and 12 of Exhibits C-2; C-3 and C-4 to read as follows:

7. The Property Owner shall construct:

- i. right turn lane north approach on Lyons Rd at ~~main~~ the southern project entrance, ~~400~~ 280 ft storage, plus 50 ft in taper, or as approved by the County Engineer.
- ii. left turn lane south approach on Lyons Rd at ~~main~~ the northern entrance, maximum length possible given the geometric constraints, or as approved by the County Engineer.
- iii. ~~right turn lane north approach on Lyons Rd at the in-only driveway, maximum length possible, or as approved by the County Engineer.~~

This construction shall be...

Due to the planned roadway widening of Lyons Rd from the existing 2- lane to 4-lane divided within a few months of the project's opening, the Property Owner may enter into an agreement with the County to construct a temporary south approach left turn lane on Lyons Road at the main entrance before the school opening and not build the north approach right turn lane at the southern entrance on Lyons Rd, but dedicate the necessary ROW, easements, and pay all design and construction costs for the final construction of these turn lanes to the County. With this arrangement, the project will be allowed to start with a maximum total of 75 student enrollment (Daycare and/or the School) until contracts are let for widening of Lyons Road. However, at the sole discretion of the County, if it is determined that the operation of the school is creating undue traffic issues before the Lyons Road widening contracts are let, the Property Owner will be required to provide mitigation measures to the satisfaction of the County Engineer.

a. ...

b. ...

c. Alternately, the Property Owner may elect to make a payment to the County for the total cost of the southbound right turn lane (6.i. only) to be constructed as part of the Lyons Road widening project, as determined by the County Engineer, and at the time of this payment, this part of the condition will be considered as fully satisfied. (BLDGPM/CO: MONITORING – Engineering)

8. Prior to the issuance of the first building permit...on Lyons Road at:

~~i. The project's main entrance~~

ii. The the project's southern, right-in-only entrance

This right of way shall be a length...

9. The Property Owner shall construct a minimum of a ~~5-~~ 6- foot wide concrete sidewalk along the west side of Lyons Road along the property's frontage. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first certificate of occupancy. Alternately, the Property Owner may elect to make a payment to the County for the total cost of the sidewalk to be constructed as part of the Lyons Road widening project, as determined by the County Engineer, and at the time of this payment, this condition will be considered as fully satisfied.

10.a. No Building Permits for the overall development.....85 net AM outbound peak hour trips (172 student school+106 student daycare+11572 sf church) shall....

10.b. In the event the contract.....generating more than 16 net directional peak hour trips (65 student daycare+11572 sf church) shall be issued...

10.c. In the event..... 33 net outbound AM trips (82 student school) shall be issued....

12. The Property Owner shall fund the cost of signal installation...

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that either the final certificate of occupancy has been issued for this development for the last phase or the school has reached maximum capacity, whichever occurs later, and requesting that a signal warrant study be conducted at the intersection... The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner.

ADD Site Design Condition 1 of Exhibit C-2 and C-3 to read as follows and renumber C-3 accordingly:

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to identify, label and dimension, where applicable:

a. Staff and Parent Drop-Off parking spaces. The parking spaces shall be located in areas to minimize backing-up onto the queuing lanes;

b. Parent Drop-Off and Pick Up queuing lanes. All queuing lanes must be free and clear from loading zones;

c. Staging areas where Staff will be monitoring the Drop-Off and Pick-Up activities;

d. Main and Secondary Entrances to the School and Daycare in addition to the Main East Entrance to the facilities through the Place of Worship; and,

e. Location of stationary outdoor play equipment for the Daycare. (DRO: ZONING – Zoning)

REPLACE Use Limitation Condition 1 of Exhibit C-2, and **ADD** Use Limitation Condition 1 to Exhibits C-3 and C-4 to read as follows and renumber Exhibit C-3 accordingly:

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Justification Statement and Traffic Impact Study, if applicable, to include the Operational Management Program for the different Facilities, including but not limited to:

a. Hours of operation for the Place of Worship, School and Daycare;

b. Drop-off and Pick-up time for the School and Daycare, including any staggered hours;

c. Before and After School Hours for the School and Daycare; and,

d. Availability of Traffic monitoring Staff. (DRO: ZONING – Zoning)

U:\Zoning\CD\BCC\2016\11-November\Add-Delete - BCC December 7 2016 REV.docx



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

WEDNESDAY DECEMBER 7, 2016

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 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 7, 2016

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Notice:

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

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

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

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

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

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

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

- D. Proof of Publication - Motion to receive and file
- E. Swearing In - County Attorney
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 1. [DOA-2015-01470](#) Title: a Development Order Amendment application of Florida Education Properties Villages of by F.P. Dino Inc., Agent. Request: to reconfigure the site plan; add and delete square footage; increase the number of students for the Private School; decrease the number of children for the Day Care; and amend Conditions of Approval (Engineering).

General Location: Southeast corner of Hypoluxo Road and Lyons Road. **(Villages of Windsor SE Civic)** (Control 1996-00081)

Pages: 1 - 1

Project Manager: Joyce Lawrence

Size: 543.60 acres ±

BCC District: 3

(affected area 12.12 acres ±)

Staff Recommendation: Staff recommends postponement to Thursday, January 5, 2017.

MOTION: To postpone to Thursday, January 5, 2017.

- 2. [ZV/DOAR-2015-02348](#) Title: a Type II Variance application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a reduction in number of parking spaces and the width of a Right-of-Way buffer.

Title: a Development Order Amendment of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure Site Plan; add square footage and fueling stations; add a Requested Use; and, modify Conditions of Approval (Engineering).

Title: a Requested Use of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: At the Southeast corner of State Road 7 and Southern Boulevard. **(Western Plaza -First Coast Energy Convenience Store No. 2719)** (Control 1977-00048)

Pages: 2 - 2

Project Manager: Carlos Torres

Size: 32.86 acres ±

BCC District: 6

(affected area 1.15 acres ±)

Staff Recommendation: Staff recommends a postponement to Thursday, January 5, 2017.

MOTION: To Thursday, January 5, 2017.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 3. [ZV/CB/Z/CA-2015-02346](#) Title: a Type II Variance application of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow a reduction in building frontage and an increase in the build-to line setback.
Title: a Class B Conditional Use of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow a Car Wash.
Title: an Official Zoning Map Amendment of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) and the Residential Multi-family (RM) Zoning Districts to the General Commercial (CG) Zoning District.
Title: a Class A Conditional Use of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow General Repair and Maintenance.
General Location: The east side of North Congress Avenue at the intersection of Cherry Road. (**Speedy Tires**) (Control 2009-02311)

Pages: 3 - 30

Conditions of Approval (10 - 15)

Project Manager: Roger Ramdeen

Size: 2.61 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-3; and 9 Conditions of Approval as indicated in Exhibit C-4.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use with a vote of 8-0-0

Zoning Commission Recommendation: Approved a Class B Conditional Use with a vote of 8-0-0

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment with a vote of 8-0-0

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) and the Residential Multi-family (RM) Zoning Districts to the General Commercial (CG) Zoning District subject to the Condition of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow General Repair and Maintenance subject to the Conditions of Approval as indicated in Exhibit C-4.

E. ZONING APPLICATIONS - NEW

- 4. **ZV/DOA-2015-02529** Title: a Type II Variance application of Congregation Aitz Chaim Of WPB Inc by Kaller & Associates, Agent. Request: to allow a reduction in the width of a Type II Incompatibility Buffer.

Title: a Development Order Amendment of Congregation Aitz Chaim Of WPB Inc by Kaller & Associates, Agent. Request: to reconfigure the site plan; add square footage; and, add land area.

General Location: East side of Haverhill Road, approximately 2,600 feet north of Okeechobee Boulevard. **(Mikvah Aitz Chaim)** (Control 1984-00153)

Pages: 31 - 57

Conditions of Approval (37 - 41)

Project Manager: Yoan Machado

Size: 3.73 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 17 Conditions of Approval as indicated in Exhibit C-2.

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

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan; add square footage; and, add land area subject to the Conditions of Approval as indicted in Exhibit C-2.

5. **ZV/DOA/R-2016-00660** Title: a Type II Variance application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to allow mountable curbing.

Title: a Development Order Amendment of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan; add square footage; add a Requested Use; and, to modify and delete Conditions of Approval (Landscaping).

Title: a Requested Use of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to allow Auto Paint and Body.

General Location: Northeast corner of Gun Club Road and Congress Avenue. **(CHS Properties MUPD)** (Control 1998-00089)

Pages: 58 - 124

Conditions of Approval (64 - 82)

Project Manager: Yoan Machado

Size: 27.55 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 75 Conditions of Approval as indicated in Exhibit C-2 and 7 Conditions of Approval as indicated in Exhibit C-3.

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

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

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan; add square footage; add a Requested Use; and, to modify and delete Conditions of Approval (Landscaping) subject to the Conditions of Approval as indicated in Exhibit C-2.

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

6. [ABN/DOA/R-2016-00438](#) Title: a Development Order Abandonment application of Boca SVP LLC by Nichols Page Design Associates, Agent. Request: to abandon R-1995-1017 approving a Development Order Amendment/Expedited Application Consideration (EAC) for a Requested Use to allow Indoor Entertainment.

Title: a Development Order Amendment of Boca SVP LLC by Nichols Page Design Associates, Agent. Request: to reconfigure the master and site plans and add a Requested Use.

Title: a Requested Use of Boca SVP LLC by Nichols Page Design Associates, Agent. Request: to allow a Type II Restaurant.

General Location: Approximately 2,500 feet west of the intersection of SW 18th Street and Military Trail on the south side of SW 18th Street. **(Fuji Yama Restaurant)** (Control 1984-00152)

Pages: 125 - 147

Conditions of Approval (131 - 134)

Project Manager: Joyce Lawrence

Size: 1,945.96 acres ±

BCC District: 4

(affected area 7.00 acres ±)

Staff Recommendation: Staff recommends approval of the requests to subject to 23 Conditions of Approval as indicated in Exhibit C-1 and 7 Conditions of Approval as indicated in Exhibit 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

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

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon R-1995-1017 approving a Development Order Amendment/Expedited Application Consideration (EAC) for a Requested Use to allow Indoor Entertainment.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the master and site plans 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 II Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2.

7. [ABN/PDD/DOA-2016-01248](#) Title: an Official Zoning Map Amendment application of Lennar Homes LLC, Verzaal Family Ltd Ptnrshp by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the Planned Unit Development (PUD) Zoning District.
Title: a Development Order Amendment of Lennar Homes LLC, Verzaal Family Ltd Ptnrshp by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master Plan; add land area; modify and delete Conditions of Approval (Landscaping, Engineering); add units; and, restart the Commencement of Development clock.
General Location: On the south side of Flavor Pict Road, approximately 1,158 feet west of Military Trail. **(Flavor Pict Townhomes PUD)** (Control 2014-00064)

Pages: 148 - 179

Conditions of Approval (156 - 162)

Project Manager: Josue Leger

Size: 39.51 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1 and 28 Conditions of Approval as indicated in Exhibit C-2.

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

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment with a vote of 8-0-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master Plan; add land area; modify and delete Conditions of Approval (Landscaping, Engineering); add units; and, restart the Commencement of Development clock subject to the Conditions of Approval as indicated in Exhibit C-2.

8. [ZV/DOA-2016-00657](#) Title: a Development Order Amendment application of EFN Northfield Property LLC by Miller Permitting and Land Development LLC, Agent. Request: to reconfigure the Site Plan; and add square footage. General Location: Southwest corner of Northlake Boulevard and Lyndall Lane. **(Napleton Kia)** (Control 1987-00041)

Pages: 180 - 212

Conditions of Approval (188 - 197)

Project Manager: Josue Leger

Size: 10.56 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 33 Conditions of Approval as indicated in Exhibit C-2.

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

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; and add square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

9. [ZV/ABN/CA-2016-00444](#) Title: a Development Order Abandonment application of Rex & Rex Unlimited Inc by Cotleur & Hearing Inc., Agent. Request: to abandon resolution R-1984-1843.

Title: a Class A Conditional Use of Rex & Rex Unlimited Inc by Cotleur & Hearing Inc., Agent. Request: to allow General Repair and Maintenance.

General Location: Northeast corner of Northlake Boulevard and Silverthorne Drive. **(Tire Kingdom)** (Control 1984-00048)

Pages: 213 - 244

Conditions of Approval (222 - 226)

Project Manager: Carlos Torres

Size: 1.05 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use with a vote of 8-0-0

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

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

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon Resolution R-1984-1843.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow General Repair and Maintenance subject to the Conditions of Approval as indicated in Exhibit C-2.

J. ZONING APPLICATIONS - NEW

10. [SV/Z/CA-2016-00843](#) Title: a Subdivision Variance application of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow a 60-foot residential access street to exceed the maximum allowable Average Daily Trips (ADTs).
Title: an Official Zoning Map Amendment of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single-Family (RS) Zoning District.
Title: a Class A Conditional Use of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow Zero Lot Line (ZLL) residential.
General Location: Approximately 0.25 miles south of Summit Boulevard on the east side of Ranchette Road. (**Ranchette Lake**) (Control 1975-00162)

Pages: 245 - 278

Conditions of Approval (252 - 256)

Project Manager: Roger Ramdeen

Size: 9.66 acres ±

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends the approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-2 and 17 Conditions of Approval as indicate in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of a Subdivision Variance with a vote of 7-0-1

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use with a vote of 7-0-1

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

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 Single-Family (RS) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution for a Class A Conditional Use to allow Zero Lot Line (ZLL) residential subject to the Conditions of Approval as indicated in Exhibit C-3.

11. [ZV/Z/DOA/CA-2016-01040](#) Title: an Official Zoning Map Amendment application of Ldr Academy Inc by Carlton Fields P.A., Agent. Request: to allow a rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District.

Title: Development Order Amendment of Ldr Academy Inc by Carlton Fields P.A., Agent. Request: to reconfigure the site plan; add a Conditional Use; amend Conditions of Approval (Building and Site Design); and, to reduce the number of students.

Title: a Class A Conditional Use of Ldr Academy Inc by Carlton Fields P.A., Agent. Request: to allow a Private School.

General Location: Northwest corner of Ridge Road and US Highway 1. **(Batt School)**
(Control 1992-00049)

Pages: 279 - 304

Conditions of Approval (286 - 293)

Project Manager: Josue Leger

Size: 2.13 acres ±

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-2, 19 Conditions of Approval as indicated in Exhibit C-3, and 10 Conditions of Approval as indicated in Exhibit C-4.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment with a vote of 8-0-0

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use with a vote of 8-0-0

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

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan; add a Conditional Use; amend Conditions of Approval (Building and Site Design); and, to reduce the number of students subject to Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Private School subject to Conditions of Approval as indicated in Exhibit C-4.

12. [SV/CB/CA-2016-00447](#) Title: a Subdivision Variance application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow access directly to a major street.

Title: a Class B Conditional Use of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a General Daycare.

Title: a Class A Conditional Use of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a Private School and Place of Worship.

General Location: Approximately 0.9 miles south of Atlantic Avenue, located at the southwest corner of 158th Road S and Lyons Road. **(Divine Savior Academy)** (Control 2013-00168)

Pages: 305 - 358

Conditions of Approval (314 - 329)

Project Manager: Diego Penaloza

Size: 9.67 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 22 Conditions of Approval as indicated in Exhibit C-2, 23 Conditions of Approval as indicated in Exhibit C-3, and 21 Conditions of Approval as indicated in Exhibit C-4.

MOTION: To adopt a resolution approving a Subdivision Variance to allow access directly to a major street subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a General Daycare 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 Private School subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To recommend approval of a Class A Conditional Use to allow a Place of Worship subject to the Conditions of Approval as indicated in Exhibit C-4.

K. ULDC AMENDMENTS

13. [Title: TITLE: REQUEST FOR PERMISSION TO ADVERTISE UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2016-02](#)

Ordinance Title

Exhibit A - AGR Tier - Previously Approved and Non-conforming Uses

Exhibit B - AGR Tier - Planned Development Districts

Exhibit C - Art. 3.B.20, Urban Redevelopment Area Overlay (URAO)

Exhibit D - Reasonable Accommodation Expiration

Exhibit E - Art. 3.E.2.F.3.c.1), PDRs for AGR Preserves and Farm Residences

Exhibit F - Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WRAO)

Exhibit G -Table 6.A.1.D, Minimum Parking Lot Dimensions

Exhibit H -Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Exhibit I - Definition for Addition

Exhibit J - Administrative Inquiry

Exhibit K - Art. 3.D.1.D.1, Base Building Line

Exhibit L - Regulating Plans

Pages: 359 - 395

Project Manager: William Cross

Staff Recommendation: Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of ULDC Amendment Round 2016-02 on January 5, 2017.

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on October 26, 2016, November 16, 2016, and November 30, 2016, and the Land Development Regulation Commission (LDRC) on November 16, 2016, and November 30, 2016. All proposed ULDC amendments were found to be consistent with the Plan.

MOTION: To approve the Request for Permission to Advertise for First Reading of ULDC Amendment Round 2016-02 on January 5, 2017: 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 B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; ARTICLE 3-OVERLAYS AND ZONING DISTRICTS: CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDR's); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); ARTICLE 4- USE REGULATIONS: CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER F, LEGAL DOCUMENTS; ARTICLE 6 - PARKING: CHAPTER A, PARKING; ARTICLE 8 - SIGNAGE: CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; 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.

L. COMPREHENSIVE PLAN TEXT AMENDMENTS

M. OTHER ITEMS

COMMENTS

A. COUNTY ATTORNEY

14. [Title: Zoning in Progress - Medical Marijuana](#)

Pages: 396 - 397

15. [Title: HUD/Justice Department updated Fair Housing Act guidance on State and Local Land Use Laws for local on government on how to comply with Fair Housing Act](#)

Pages: 398 - 417

B. ZONING DIRECTOR

16. [Title: Use Regulations Project Update - October 13, 2016 Public Forum Meeting Status](#)

Pages: 418 - 419

MOTION: No Action Required.

Pages:

C. PLANNING DIRECTOR

17. [Title: Voluntary Annexation of the Balsamo Property Within the Unincorporated Protection Area](#)

Summary: The City of Palm Beach Gardens is processing a voluntary annexation for a 96.80 acres that is located within an area of the County known as the Unincorporated Protection Area (UPA). The UPA is defined as all unincorporated lands located outside the Urban Service Area established in the County's Comprehensive Plan. Pursuant to the requirements in the County Charter establishing an exclusive method for voluntary annexation outside the urban service area, this annexation in the UPA requires approval by an affirmative vote of at least FIVE County Commissioners. The proposed annexation meets the criteria and requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan. In addition, no negative comments were received through the annexation departmental review process.

Pages: 420 - 428

Project Manager: Patricia Behn

Staff Recommendation: The proposed annexation meets the requirements of Chapter 171, F.S., for annexation and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan. Therefore, County staff recommends approval of the voluntary annexation in the UPA.

MOTION: To approve a voluntary annexation into the City of Palm Beach Gardens for a property located in the Unincorporated Protection Area, generally located on the north side of Northlake Boulevard, less than a mile east of Coconut Boulevard.

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT