



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY JUNE 22, 2017

9:30 A.M.

**BCC Chambers 6th Floor, Jane Thompson Memorial Chambers
301 N Olive Ave, West Palm Beach, 33401**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

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**

JUNE 22, 2017

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. [ZV/ABN/DOA/R-2016-01229](#) Title: a Type II Variance application of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to allow a reduction in the Right of Way Buffer width; and to allow the Loading Space not to be located adjacent to the building.

Title: Development Order Abandonment of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to abandon a Special Exception for an Auto Service Station.

Title: a Development Order Amendment of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to reconfigure the Site Plan, delete square footage, modify uses and Conditions of Approval.

Title: a Requested Use. of Boynton Kir by Gunster Yoakley & Stewart PA, Agent. Request: to allow Retail Gas and Fuel.

General Location: Northwest corner of Military Trail and Boynton West Road. **(7-Eleven Inc. at Boynton West Shopping Center)** (Control 1972-00051)

Pages: 1 - 1

Project Manager: Carolina Valera

Size: 17.84 acres ±

BCC District: 5

(affected area 1.24 acres ±)

Staff Recommendation: Staff recommends a postponement to Thursday July 27, 2017.

Zoning Commission Recommendation: Postponed to July 6, 2017 by a vote of 7-0-0.

MOTION: To postpone to Thursday July 27, 2017.

2. [DOA/W-2016-02025](#) Title: a Development Order Amendment application of Boca Raton Associates VII LLLP, Mcgrath Farms Inc, Pontano Family Farms LLC, Boynton Beach Associates XXIV LLLP, 87th Place South LLC, South Fla Water Mgmt Dist by G.L. Homes, Agent. Request: to reconfigure the Master Plan; add and delete land area; delete units; amend the Conservation Easement; and, modify Conditions of Approval (Engineering and Planning).

Title: a Type II Waiver of Boca Raton Associates VII LLLP, Mcgrath Farms Inc, Pontano Family Farms LLC, Boynton Beach Associates XXIV LLLP, 87th Place South LLC, South Fla Water Mgmt Dist by G.L. Homes, Agent. Request: to allow 65 percent of the local streets to terminate in a Cul-de-sac.

General Location: On the west side of Lyons Road approximately one mile south of Atlantic Avenue. **(Hyder AGR-PUD)** (Control 2005-00455)

Pages: 2 - 2

Project Manager: Roger Ramdeen

Size: 1,836.80 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends a postponement to Thursday July 27, 2017.

Zoning Commission Recommendation: Postponed to July 6, 2017 by a vote of 7-0-0.

MOTION: To postpone to Thursday July 27, 2017.

3. **PDD/DOA/W/CA-2016-02029** Title: an Official Zoning Map Amendment to a Planned Development District application of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from Agricultural Reserve (AGR) and Planned Unit Development (PUD) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to reconfigure the Master Plan; add and delete land area; increase the number of units; amend the Conservation Easement; modify Conditions of Approval (Engineering, Palm Tran and Planning); and, restart the commencement of development .

Title: a Type II Waiver of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow 46 percent of the local streets to terminate in a Cul-de-sac.

Title: a Class A Conditional Use of Bridges HOA Inc, South Fla Water Mgmt Dist Licensor, Amkbj Partners Ltd LLLP, South Fla Water Mgmt Dist, Mizner Country Club Master Assn Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a Golf Course.

General Location: On the east of Lyons Road approximately one mile south of Atlantic Avenue. **(Bridges-Mizner AGR-PUD)** (Control 2004-00250)

Pages: 3 - 3

Project Manager: Yoan Machado

Size: 2,323.20 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends a postponement to Thursday July 27, 2017.

Zoning Commission Recommendation: Postponed to July 6, 2017 by a vote of 7-0-0.

MOTION: To postpone to Thursday July 27, 2017.

B. REMANDS

C. WITHDRAWALS

- 4. [ZV/PDD/W-2015-01457](#) Title: a Type II Variance application of Palm Beach West Associates I LLLP by Urban Design Kilday Studios, Agent. Request: to eliminate a Type II Incompatibility Buffer.

Title: an Official Zoning Map Amendment to a Planned Development District of Palm Beach West Associates I LLLP by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Production (AP) and Agriculture Residential (AR) Zoning Districts to the Western Communities Residential Planned Unit Development (WCR PUD) Zoning District.

Title: a Type II Waiver of Palm Beach West Associates I LLLP by Urban Design Kilday Studios, Agent. Request: to allow 50 percent of the local streets within the overall PUD to terminate in a Cul-de-sac.

General Location: South of Hamlin Boulevard on the west side of 180th Avenue North and west of 180th Avenue North on the south side of 60th Street North. **(Indian Trails Grove)** (Control 2002-90045)

Pages: 4 - 4

Project Manager: Roger Ramdeen

Size: 4,871.57 acres ±

BCC District: 1,6

Staff Recommendation: Not applicable. Agent has requested withdrawal of application.

Zoning Commission Recommendation: No action required.

MOTION: None required. Agent has requested withdrawal of application.

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

- 5. [ABN/DOA-2016-01638](#) Title: a Development Order Abandonment application of Lantana Charter LLC by iPlan and Design LLC, Agent. Request: to abandon a Place of Worship.

Title: a Development Order Amendment of Lantana Charter LLC by iPlan and Design LLC, Agent. Request: to reconfigure the Master Plan and Site Plan; modify square footage (Charter School); amend Conditions of Approval (Engineering and Use Limitations); and, to modify uses.

General Location: Approximately 0.45 miles east of the Lyons Road and on the south side of Lantana Road. **(Palm Beach School for Autism)** (Control 1981-00233)

Pages: 5 - 38

Conditions of Approval (12 - 17)

Project Manager: Carrie Rechenmacher

Size: 270.86 acres ±

BCC District: 3

(affected area 5.10 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 26 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Place of Worship.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master Plan and Site Plan; modify square footage (Charter School); amend Conditions of Approval (Engineering and Use Limitations) and to modify uses subject to the Conditions of Approval as indicated in Exhibit C.

E. ZONING APPLICATIONS - NEW

- 6. [DOA/R-2016-01836](#) Title: a Development Order Amendment application of Concierge Development 2 LLC by Wantman Group Inc., Agent. Request: to reconfigure the Site Plan, to delete square footage and modify uses.

Title: a Requested Use of Concierge Development 2 LLC by Wantman Group Inc., Agent. Request: to allow a Type I Restaurant with a Drive-through.

General Location: Approximately 330 feet west of Seacrest Boulevard and Hypoluxo Road. **(Checkers at Sam's Wholesale Club Plaza)** (Control 1975-00069)

Pages: 39 - 69

Conditions of Approval (45 - 52)

Project Manager: Yoan Machado

Size: 20.61 acres ±

BCC District: 7

(affected area 0.66 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 44 Conditions of Approval as indicated in C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 6-0-1.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 6-0-1.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan, to delete square footage and modify uses subject to the Conditions of Approval as indicated in C-1.

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

- 7. [CA-2016-01226](#) Title: a Class A Conditional Use application of Royal Palm Investments & Finance LLC by Frogner Consulting Inc., Agent. Request: to allow a Pawn Shop.

General Location: Southwest corner of Sandalfoot Boulevard and SW 66th Avenue. **(Boca Pawn & Jewelry)** (Control 2010-00502)

Pages: 70 - 83

Conditions of Approval (75 - 75)

Project Manager: Josue Leger

Size: 0.79 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Pawnshop subject to the Conditions of Approval as indicated in Exhibit C.

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

J. ZONING APPLICATIONS - NEW

K. ULDC AMENDMENTS

8. [Title: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2017-01](#)

SUMMARY: The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

- Exhibit A - Art. 1.C.1, Rules of Construction - Rounding of Fractions
- Exhibit B - Mobile Home Owner Disclosure Requirements to Potential Buyers
- Exhibit C - Administrative Approvals-Unmanned Retail Structures
- Exhibit D - Art. 2.G.3.A.3, Board Membership
- Exhibit E - Art. 3, Planned Development Districts
- Exhibit F - Art. 3.B.14.F, Property Development Regulations [Related to WCRAO]
- Exhibit G - Lifestyle Commercial Center LCC
- Exhibit H - Art. 4, Use Regulations
- Exhibit I - Art. 4.B, Use Classification [Related to URAO]
- Exhibit J - Retail Gas and Fuel - Standards for Approval
- Exhibit K - Art. 5.B.1.A, Accessory Uses and Structures - General Exceptions
- Exhibit L - Art. 5.B.1.A, Accessory Uses and Structures - Exceptions for Buildings
Accessory to Residential
- Exhibit M - Accessory Solar Energy Systems
- Exhibit N - Art. 5.B.1.B, Temporary Structures - Portable Storage Containers and
Shipping Containers
- Exhibit O - Requested Use Reference
- Exhibit P - Art. 6 Parking
- Exhibit Q - Art. 8.F.5, Illumination [Related to Signage]
- Exhibit R - Art. 8.G.3.B, Electronic Message Signs
- Exhibit S - Art. 16, Airports and F.S. 333

Pages: 84 - 177

Project Manager: William Cross

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of ULDC Amendment Round 2017-01 on July 27, 2017.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendments by multiple votes on March 29, 2017, April 26, 2017 and May 24, 2017. Sitting as the LDRC on May 24, 2017, all proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

MOTION: To approve the Request for Permission to Advertise for First Reading of ULDC Amendment Round 2017-01 on July 27, 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 C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS & ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, EMINENT DOMAIN; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS: CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); ARTICLE 4- USE REGULATIONS: CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6 - PARKING: CHAPTER A, PARKING; CHAPTER B, LOADING STANDARDS; ARTICLE 7- LANDSCAPING: CHAPTER C, MGTS TIER COMPLIANCE; ARTICLE 8 - SIGNAGE: CHAPTER D, TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; CHAPTER H, OFF-SITE SIGNS; CHAPTER I, ADMINISTRATION AND ENFORCEMENT; ARTICLE 16 - AIRPORT REGULATIONS: CHAPTER A, GENERAL; CHAPTER B, AIRSPACE HEIGHT REGULATIONS; CHAPTER C, AIRPORT LAND USE REGULATIONS; 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

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT