



**BOARD OF COUNTY COMMISSION
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
NOVEMBER 30, 2017**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
----------------------	----------------------	--	--------------------------------

REGULAR AGENDA

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

4.	(87-149)	ZV/ABN/DOA/PDD/CA-2016-02202 (1991-00037)	Wawa SB 1327
-----------	-----------------	--	---------------------

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

Architectural Review

1. At time of submittal for Building Permits **for Phase 2**, the Architectural Elevations for the Retail Building (Phase 2) shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations of the Final Approved Convenience Store. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDG/PMT: ZONING - Zoning)

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

Building

1. Prior to ~~Final Approval by the Development Review Officer~~ **issuance of Building Permits for Phase 2**, the Property Owner shall submit to the Zoning Division a Removal Agreement between the Property Owner and the Florida Department of Transportation (FDOT) for the existing, non-conforming buildings and associated parking area to be removed for the development of Phase 2. The Removal Agreement shall be in a format acceptable to the County Attorney's office. (DRO: COUNTY ATTORNEY - Zoning)

AMEND Architectural Review Condition 2 of Exhibit C-4 to read as follows:

Architectural Review

2. Gas station canopy shall be designed consistent with the following standards:
a. a maximum height of 25 feet measured from finished grade to highest point. ~~and,~~
b. ~~the clearance of the canopy shall be a maximum of 16 feet, measured from finished grade to the underside of the canopy.~~ (DRO/ONGOING: ZONING - Zoning)

K. ULDC AMENDMENTS

8. REQUEST FOR PERMISSION TO ADVERTISE: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS ROUND 2017-02

Show existing Code language related to accessory uses and structures adopted through Ord. 2017-025.

(366) Exhibit G, Art. 5.B.1.A.8, Dumpsters [Related to Location of Accessory Uses and Structures] (Line 14)

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard except for dumpsters, or unless stated otherwise herein. [Ord. 2017-007] [Ord. 2017-025]

Keep current fee regulations applicable to tree removal to discuss along with other fee changes.

(449) Exhibit J, Art. 7, Landscaping [Related Enforcement Fines] (Line 41)

3. A triple quadruple permit fee for removal of trees without a valid tree removal and replacement permit.



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY NOVEMBER 30, 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**

NOVEMBER 30, 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

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

E. ZONING APPLICATIONS - NEW

- 1. [DOA-2017-01402](#) Title: a Development Order Amendment application of BRP Senior Housing LLC by Miller Land Planning, Agent. Request: to reconfigure the Site Plan to add Freestanding signs and to modify a Condition of Approval (Signage).
General Location: Southwest corner of Hypoluxo Road and Lyons Road. **(Villages of Windsor SW Civic)** (Control 1996-00081)

Pages: 1 - 20

Conditions of Approval (6 - 8)

Project Manager: Carlos Torres

Size: 22.50 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to 11 Conditions of Approval as indicated in Exhibit C.

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 Amendment to reconfigure the Site Plan to add Freestanding signs and to modify a Condition of Approval (Signage) subject to the Conditions of Approval as indicated in Exhibit C.

- 2. [DOA/R-2016-02009](#) Title: a Development Order Amendment application of Oriole RLV by Holland & Knight LLP, Charles Putman & Associates, Agent. Request: to reconfigure the Site Plan; modify uses; and, modify and delete Conditions of Approval (Engineering, Landscape, Lighting, Signage, Site Design, Dumpster, Solid Waste). Title: a Requested Use of Oriole RLV by Holland & Knight LLP, Charles Putman & Associates, Agent. Request: to allow a Self Service Storage Facility. General Location: Northeast corner of Atlantic Avenue and Hagen Ranch Road. **(The Reserve Self-Storage at Oriole Plaza)** (Control 1973-00039)

Pages: 21 - 52

Conditions of Approval (28 - 37)

Project Manager: Carrie Rechenmacher

Size: 25.45 acres ±

BCC District: 5

(affected area 3.35 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 31 Conditions of Approval as indicated in Exhibit C-1, and 9 Conditions of Approval as indicated in Exhibit C-2.

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

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; modify uses; and, modify and delete Conditions of Approval (Engineering, Landscape, Lighting, Signage, Site Design, Dumpster, Solid Waste) subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use to allow a Self Service Storage Facility subject to Conditions of Approval as indicated in Exhibit C-2.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

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

3. [SCA-2017-00009](#) Title: Southern Benoist, Small Scale Land Use Amendment application of Brightwork Acquisitions, LLC by Dunay Miskel and Backman LLP, Agent. Request: To change a future land use designation from Industrial (IND) to Commercial High with an underlying Industrial (CH/IND).
General Location: Northwest corner of Southern Boulevard and Benoist Farms Road. (Southern Benoist) (Control 1991-00037)

Pages: 53 - 86

Project Manager: Missy Michael

Size: 3.13 acres ±

BCC District: 2

Staff Recommendation: Approval of the proposed amendment from Industrial (IND) to Commercial High with an underlying Industrial (CH/IND).

Planning Commission Recommendation: Planning Commission recommended approval of the proposed amendment with a unanimous vote of 12-0

MOTION: To adopt an ordinance approving the proposed amendment from Industrial (IND) to Commercial High with an underlying Industrial (CH/IND).

4. [ZV/ABN/DOA/PDD/CA-2016-02202](#) Title: an Official Zoning Map Amendment application of Brightwork Acquisitions, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a rezoning from the Light Industrial (IL) and Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Class A Conditional Use of Brightwork Acquisitions, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.

General Location: Northwest corner of Southern Boulevard and North Benoist Farms Road. (**Wawa SB 1327**) (Control 1991-00037)

Pages: 87 - 149

Conditions of Approval (98 - 108)

Project Manager: Meredith Leigh

Size: 3.13 acres ±

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 46 Conditions of Approval as indicated in Exhibit C-3 and 7 Conditions of Approval as indicated in Exhibit C-4.

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

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

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) and Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store, subject to the Conditions of Approval as indicated in Exhibit C-4.

5. [SCA-2017-00021](#) Title: Boynton Dunes CLF, Small Scale Land Use Amendment application of Mignano Maria Trust by Jon E Schmidt & Associates, Agent. Request: To change a future land use designation from Commercial Low with an underlying Low Residential, 2 units per acre (LR-2) to Institutional with an underlying High Residential, 12 units per acre (INST/12).

General Location: South of Golf Road, east side of Military Trail. **(Boynton Atrium CLF)** (Control 2012-00433)

Pages: 150 - 191

Conditions of Approval (162 - 162)

Project Manager: Francis Forman

Size: 4.32 acres ±

BCC District: 4

Staff Recommendation: Approval of the proposed amendment from Commercial Low with an underlying Low Residential, 2 units per acre (CL/2) to Institutional with an underlying High Residential, 12 units per acre (INST/12) with two Conditions of Approval.

Planning Commission Recommendation: Planning Commission recommended denial of the proposed amendment with a vote of 7-6.

MOTION: To adopt an ordinance approving the proposed amendment from Commercial Low with an underlying Low Residential, 2 units per acre (CL/2) to Institutional with an underlying High Residential, 12 units per acre (INST/12) with Conditions.

6. [PDD/R/TDR-2017-00345](#) Title: an Official Zoning Map Amendment application of Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.
Title: a Requested Use of Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust by Jon E Schmidt & Associates, Agent. Request: to allow a Type III Congregate Living Facility (CLF) and Transfer of Development Rights (TDR).
Title: a Transfer of Development Rights of Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust by Jon E Schmidt & Associates, Agent. Request: to designate the site as a receiving area and to allow TDR's of more than two dwelling units per acre (du/ac).
General Location: Approximately 0.25 miles south of Golf Road on the east side of Military Trail. (**Boynton Atrium CLF**) (Control 2012-00433)

Pages: 192 - 233

Conditions of Approval (201 - 206)

Project Manager: Carlos Torres

Size: 4.32 acres \pm

BCC District: 4

DISCLOSURE

Staff Recommendation: To recommend approval of the requests subject to 11 Conditions of Approval as indicated in Exhibit C-1, 10 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 an Official Zoning Map Amendment by a vote of 7-1-0.

Zoning Commission Recommendation: Recommended Approval of a Transfer of Development Rights by a vote of 6-2-0.

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

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 6-2-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the 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 Requested Use to allow a Type III Congregate Living Facility (CLF) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow a Transfer of Development Rights (TDR), to designate the site as a receiving area, and to allow TDR's of more than two dwelling units per acre (du/ac) 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

J. ZONING APPLICATIONS - NEW

K. ULDC AMENDMENTS

7. Title: [MORATORIUM FOR EQUESTRIAN WASTE, ANIMAL WASTE OR BIO-SOLIDS IN THE GLADES TIER - ADOPTION HEARING.](#)

Pages: 234 - 240

Project Manager: William Cross

Staff Recommendation: Staff recommends a motion to Adopt.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulations Commission (LDRC) Determination: Recommended approval of the proposed amendments on July 26, 2017. All proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Zoning Hearings: Approved (5-0) on July 27, 2017, Request for Permission to Advertise for First Reading on August 24, 2017. Approved (6-0) on August 24, 2017, to postpone First Reading 60 days to October 26, 2017. Approved (6-0) on October 26, 2017, First Reading and to Advertise for Adoption Hearing on November 30, 2017.

MOTION: TO ADOPT 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: ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVALS FOR EQUESTRIAN WASTE MANAGEMENT FACILITIES, OR ANY COMPOSTING USE THAT INCLUDES EQUESTRIAN WASTE, ANIMAL WASTE OR BIO SOLIDS, LOCATED IN THE GLADES TIER OF UNINCORPORATED PALM BEACH COUNTY, EXCLUDING ACCESSORY USES TO BONAFIDE AGRICULTURAL OPERATIONS, AMENDING ARTICLE 4, USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; 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.

8. Title: [REQUEST FOR PERMISSION TO ADVERTISE UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2017-02](#)

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.4, Measurement [Related to Rules of Construction]

Exhibit B - Art. 2, Development Review Procedures

Exhibit C - Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)

Exhibit D - Art. 3.E.1.E.1.c, Housing Classification Type

Exhibit E - Art. 3, Overlays and Zoning Districts [Related to Requested Uses]

Exhibit F - Art. 4, Use Regulations [Related to SSSF and Gas and Fuel Wholesale]

Exhibit G - Art. 5.B.1.A.8, Dumpsters

Exhibit H - Art. 5.B.1.A, Accessory Uses and Structures [Related to Government Owned Towers]

Exhibit I - Art. 5.C.1.H Guidelines Related to Architectural Guidelines

Exhibit J - Art. 7, Landscaping

Exhibit K - Art. 8, Signage [Related to Temporary Signs]

Exhibit L - Art. 8.G.3.B, Electronic Message Signs

Pages: 241 - 473

Project Manager: Monica Cantor

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of ULDC Amendment Round 2017-02 on January 4, 2018.

Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendments by multiple votes on August 23, 2017, September 27, 2017 and October 25, 2017. Sitting as the LDRC on October 25, 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 2017-02 on January 4, 2018: 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 G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS & ACRONYMS; ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER C, FLU PLAN AMENDMENTS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER F, CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD); CHAPTER G, DECISION MAKING BODIES; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5 - SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; ARTICLE 6 - PARKING: CHAPTER A, PARKING; ARTICLE 7 - LANDSCAPING: CHAPTER A: GENERAL; CHAPTER B, APPROVAL PROCESS AND APPLICABILITY; CHAPTER C, MGTS TIER COMPLIANCE; CHAPTER D, GENERAL STANDARDS; CHAPTER E, REVIEW, INSTALLATION AND MAINTENANCE; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; CHAPTER G, OFF-STREET PARKING REQUIREMENTS; CHAPTER H, ENFORCEMENT; ARTICLE 8 - SIGNAGE: CHAPTER A, GENERAL; CHAPTER B, EXEMPTIONS; CHAPTER C, PROHIBITIONS; 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; 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

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

9. [Title: Processing of Private Text amendments and the number of Large Scale Amendment rounds per year](#)

Pages: 474 - 478

Project Manager: Patricia Behn

Staff Recommendation: Private Text Amendments: Staff is recommending that privately proposed text amendments to the Comprehensive Plan be processed using the same procedure as privately proposed amendments to the Unified Land Development Code (which require initiation by the Board prior to processing). Alternatively, the Board could direct staff to discontinue processing private text amendments to the Plan.

Large Scale Amendment Rounds: Staff will recommend that the County return to accepting Large Scale Amendments two times per year rather than the current four. Staff will continue to process Small Scale Amendments less than 10 acres inside the Urban Suburban Tier four times per year. The Board has the ability to add additional intake dates as needed.

MOTION: To direct Staff to modify the processing of Private Text amendments and the number of Large Scale Amendment rounds per year

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT