



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY APRIL 26, 2018

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**

APRIL 26, 2018

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

- 1. [STR-2002-00052-1](#) Status Report for Resolution R-2008-1709 Property Owner: Childrens Place At Home Safe Inc. General Location: Located on the east side of Lyons Road, south of Southern Boulevard. Current Zoning: Planned Unit Development (PUD) (**Agradex Lyons Road PUD (Control No. 2002-00052)**)

Pages: 1 - 5

Project Manager: Bruce Thomson

Size: 3.20 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution to revoke a Development Order Amendment (DOA) approved by Resolution R-2008-1709.

- 2. [STR-2002-00052-2](#) Status Report for Resolution R-2008-1710. Property Owner: Childrens Place At Home Safe Inc. General Location: Located on the east side of Lyons Road, south of Southern Boulevard. Current Zoning: Planned Unit Development (PUD) (**Agradex Lyons Road PUD Control No. 2002-00052)**)

Pages: 6 - 10

Project Manager: Bruce Thomson

Size: 3.20 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution to revoke the Requested Use approved by Resolution R-2008-1710.

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

3. **DOA-2017-02345** Title: a Development Order Amendment application of CHH GD Boca Raton Realty, LLC by Miller Land Planning Inc., Miller Land Planning Inc. , Miller Permitting and Land Development LLC, Agent. Request: to modify and delete Conditions of Approval (Landscape).

General Location: Northwest corner of Ponderosa Drive and Cobblestone Way. **(Cobblestone Place CLF (Loggers Run PUD - Tract N))** (Control 1975-00068)

Pages: 11 - 32

Conditions of Approval (18 - 21)

Project Manager: Meredith Leigh

Size: 5.99 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 18 Conditions of Approval as indicated in Exhibit C.

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

MOTION: To adopt a resolution approving a Development Order Amendment to modify and delete Conditions of Approval (Landscape), subject to the conditions of approval as indicated in Exhibit C.

4. **DOA/CA-2017-01229** Title: a Development Order Amendment application of Gerald Barbarito by Schmidt Nichols, Agent. Request: to modify the Master Plan, to label Tract 26 as a Civic Pod, and add a Use.

Title: Class A Conditional Use of Gerald Barbarito by Schmidt Nichols, Agent. Request: to allow a Private School and General Day Care.

General Location: Southwest corner of Palmetto Circle North and Toledo Road. **(St Jude Catholic Church and School)** (Control 1984-00152)

Pages: 33 - 64

Conditions of Approval (40 - 52)

Project Manager: Carlos Torres

Size: 1,945.96 acres ±

BCC District: 4

(affected area 15.00 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 51 Conditions of Approval as indicated in Exhibit C-1, 9 Conditions of Approval as indicated in Exhibit C-2 and 8 Conditions of Approval as indicated in Exhibit C-3.

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

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

MOTION: To adopt a resolution approving a Development Order Amendment, to modify the Master Plan, to label Tract 26 as a Civic Pod, and add a Use subject to the Conditions of Approval as indicated in Exhibit C-1.

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

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

- 5. **ZV/DOA-2017-02002** Title: a Development Order Amendment application of New Country Motor Cars of Palm Beach LLC by Brandenburg & Associates P.A., Agent. Request: to reconfigure the Site Plan and Regulating Plan; to modify the uses; add square footage; restart the commencement clock; and, modify and delete Conditions of Approval (Architectural Review, Landscape, Palm Tran and Use Limitations). General Location: Approximately 0.1 miles west of Palm Beach Lakes Boulevard on the south side of Okeechobee Boulevard. **(Mercedes)** (Control 1983-00161)

Pages: 65 - 100

Conditions of Approval (74 - 87)

Project Manager: Lorraine Fuster

Size: 13.96 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the request subject 83 Conditions of Approval as indicated in Exhibit C-2.

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

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) by a vote of 8-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan and Regulating Plan; to modify the uses; add square footage; restart the commencement clock; and, modify and delete Conditions of Approval (Architectural Review, Landscape, Palm Tran and Use Limitations) subject to the 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

- 6. [SCA-2018-00016](#) Title: Tuscan Gardens of Delray Beach, Small Scale Land Use Amendment application of Pop Delray Commons Llc by Wantman Group Inc., Agent. Request: To change a Future Land Use Designation from High Residential, 8 units per acre (HR-8) to Congregate Living Residential (CLR) with an underlying High Residential 8 units per acre (CLR/8).

General Location: Southwest corner of Sims Road and Forest Lane. **(Tuscan Gardens of Delray Beach)** (Control 2017-00196)

Pages: 101 - 139

Project Manager: Jerry Lodge

Size: 7.57 acres ±

BCC District: 5

Staff Recommendation: Approval of the proposed amendment from High Residential, 8 units per acre (HR-8) to Congregate Living Residential with an underlying High Residential, 8 units per acre (CLR/8).

MOTION: To adopt an ordinance approving the proposed amendment from High Residential, 8 units per acre (HR-8) to Congregate Living Residential with an underlying High Residential, 8 units per acre (CLR/8).

- 7. [DOA-2017-02214](#) Title: a Development Order Amendment application of Pop Delray Commons Llc, Tuscan Gardens of Delray Beach Managemen by WGINC, Agent. Request: to amend the Master Plan and reconfigure the Site Plan; add residents/beds; modify Conditions of Approval (All Petitions, Architectural Review, Engineering); and, to restart the commencement clock.

General Location: Southwest corner of Sims Road and Forest Lane. **(Tuscan Gardens of Delray Beach)** (Control 2005-00506)

Pages: 140 - 163

Conditions of Approval (146 - 151)

Project Manager: Diego Penaloza

Size: 7.57 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 16 Conditions of Approval as indicated in Exhibit C-1, and 14 as indicated in Exhibit C-2

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-1.

MOTION: To adopt a resolution of a Development Order Amendment (PUD) to amend the Master Plan; add residents/beds; modify Conditions of Approval (All Petitions, and Engineering); and, to restart the commencement clock subject to Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution of a Development Order Amendment (CLF) to reconfigure the Site Plan; add residents/beds; modify Conditions of Approval (All Petitions, and Architectural Review); and, to restart the commencement clock, subject to Conditions of Approval as indicated in Exhibit C-2.

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

J. ZONING APPLICATIONS - NEW

K. ULDC AMENDMENTS

L. COMPREHENSIVE PLAN TEXT AMENDMENTS

M. OTHER ITEMS**8. Title: [Alcohol Hours of Sale Research Report](#)**

During the July 27, 2017 Palm Beach County Board of County Commissioner's (BCC) Zoning meeting, discussion relating to Article 4 of the Unified Land Development Code (ULDC), use regulations of cocktail lounges ensued. During the meeting, Commissioner Burdick, expressed concerns about allowable hours of operation. The BCC directed staff to revisit hours of operation. The ULDC limits the hours (closing by 11 p.m.) if the lounge is located near a residential area, but does not have a restriction of hours if the establishment was not near residential uses. Therefore, the uniform way to deal with the sale of alcohol was through the Palm Beach County Ordinance, Article 1, Chapter 3 - Alcoholic Beverages, Section 3.2 - Hours of Sale which is administered by the Department of Public Safety, Division of Consumer Affairs. As a result, the Public Safety Department, Division of Consumer Affairs was tasked to conduct research to determine the impacts of potential revisions to the alcohol sales ordinance. Furthermore, County Administration requested the attached Alcohol Sales Research Report be presented at the February 22, 2018 BCC Zoning Meeting.

Pages: 164 - 174

Staff Recommendation: Request direction on Alcoholic Beverages Hours of Sale Ordinance.

END OF REGULAR AGENDA**COMMENTS**

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT