



**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**AMENDMENTS TO THE AGENDA  
JULY 26, 2018**

**AGENDA**

<b><u>ITEM #</u></b>	<b><u>PAGE #</u></b>	<b><u>APPLICATION AND CONTROL #S</u></b>	<b><u>APPLICATION NAME</u></b>
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**CALL TO ORDER**

**F. Amendments to the Agenda**

6.	(36-87)	ZV/ABN/DOA/CA-2017-00354 (1984-00058)	7-Eleven Delray Beach
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WITHDRAWAL by Applicant, July 24, 2018.

**CONSENT AGENDA**

**D. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

5.	(15-18)	ZZV/ABN/DOA-2017-02207 (1986-00150)	Lakeside Centre
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**AMEND Engineering Condition of Approval 16.a, of Exhibit C-2, as follows:**

16. ....

a. Prior to the issuance of the first building permit, permits required from Palm Beach County for this construction shall be obtained.

....

(BLDG/PMT/CO: MONITORING – Engineering)



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**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**THURSDAY JULY 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

**OTHER DEPARTMENT ITEMS**

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**REGULAR AGENDA**

**COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*



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

**JULY 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

**OTHER DEPARTMENT ITEMS**

**A. PURCHASING CONTRACT**

**B. LEGAL OPINION**

**C. ENGINEERING ITEM**

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. [PDD/DOA-2017-02173](#) Title: an Official Zoning Map Amendment to a Planned Development District application of PGA Partners 100 LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a rezoning from Residential Multifamily (RM) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Development Order Amendment of PGA Partners 100 LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to add land area; delete units; reconfigure the Master Plan and modification of conditions (Architecture, Landscape, Planning)

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

Pages: 1 - 1

Project Manager: Carrie Rechenmacher

Size: 8.89 acres ±

BCC District: 1

Staff Recommendation: Staff recommends a postponement to Thursday, August 23, 2018.

Zoning Commission Recommendation: Postponed to August 2, 2018 by a vote of 5-0-0.

**MOTION:** To postpone to Thursday, August 23, 2018.

2. [Z/CA-2017-01996](#) Title: an Official Zoning Map Amendment application of Andrew Podray by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District and Multifamily Residential High Density (RH) Zoning District, to the Multifamily Residential (RM) Zoning District.

General Location: On the east side of Barwick Road, approximately 0.55 miles north of Lake Ida Road. **(Banyan Cove)** (Control 2014-00078)

Pages: 2 - 2

Project Manager: Lorraine Fuster

Size: 6.68 acres ±

BCC District: 4

Staff Recommendation: Staff recommends a postponement to Monday, September 24, 2018.

Zoning Commission Recommendation: Postponed to September 6, 2018 by a vote of 5-0-0.

**MOTION:** To postpone to Monday, September 24, 2018.

- 3. [DOA-2017-01437](#) Title: a Development Order Amendment application of Preschool Developers, LLC, Valencia Square Retail, LLC by Preschool Developers LLC, Agent. Request: to reconfigure the Site Plan; and to add children for a General Day Care use; and, to modify and/or delete Conditions of Approval (Use Limitations).  
General Location: Northwest corner of Woolbright Road and Jog Road. **(Valencia Square MUPD)** (Control 1998-00078)

Pages: 3 - 3

Project Manager: Meredith Leigh

Size: 23.85 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 60 Conditions of Approval as indicated in Exhibit C-1; and, 10 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Postponed to August 2, 2018 due to lack of quorum.

**MOTION:** To postpone to Thursday, August 23, 2018.

- 4. [ABN/CA-2017-01812](#) Title: a Development Order Abandonment application of Sunco TH LLC by WGINC, Agent. Request: to abandon the Class A Conditional Use to allow a Voluntary Density Bonus of 19 units in the Medium Residential (RM) Density Zoning District.

Title: a Class A Conditional Use of Sunco TH LLC by WGINC, Agent. Request: to allow a Workforce Housing (WFH) density bonus greater than 50 percent; and, to allow a Transfer of Development Rights (TDR) of more than two dwelling units per acre, for a total of 13 TDR units.

General Location: West side of South Haverhill Road approximately 220 feet north of Purdy Lane. **(Aviera Green)** (Control 2003-00093)

Pages: 4 - 4

Project Manager: Carlos Torres

Size: 3.28 acres ±

BCC District: 2

Staff Recommendation: Staff recommends postponement to Thursday, August 23, 2018.

Zoning Commission Recommendation: Postponed to August 2, 2018 due to lack of quorum.

**MOTION:** To postpone to Thursday, August 23, 2018.

**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**

- 5. [ZV/ABN/DOA-2017-02207](#) Title: a Development Order Abandonment application of Lakeside Center II Edens LLC by Urban Design Kilday Studios, Agent. Request: to abandon Requested Uses for Type I Restaurants within Buildings J and K.  
Title: a Development Order Amendment of Lakeside Center II Edens LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Site Plan; modify uses; and, to delete Conditions of Approval (Architecture and Site Design).  
General Location: Approximately 180 feet (ft.) west, and 184 ft. south of the Southwest corner of Glades Road and Boca Rio Road. (**Lakeside Centre**) (Control 1986-00150)

Pages: 5 - 35

Conditions of Approval (13 - 21)

Project Manager: Diego Penalzoa

Size: 22.80 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 45 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved a Type II Variance (with conditions) by a vote of 5-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 5-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 5-0-0.

**MOTION:** To adopt a Resolution approving a Development Order Abandonment to abandon a Requested Use to allow a Type I Restaurant within Building J.

**MOTION:** To adopt a Resolution approving a Development Order Abandonment to abandon a Requested Use to allow a Type I Restaurant within Building K.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan; modify uses and to delete Conditions of Approval (Architecture and Site Design), subject to the Conditions of Approval as indicated in Exhibit C-2.

- 6. [ZV/ABN/DOA/CA-2017-00354](#) Title: a Development Order Abandonment application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.

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

Title: a Class A Conditional Use of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.

General Location: Southwest corner of Via Flora and West Atlantic Avenue. **(7-Eleven Delray Beach)** (Control 1984-00058)

Pages: 36 - 87

Conditions of Approval (45 - 50)

Project Manager: Carrie Rechenmacher

Size: 8.66 acres ±

BCC District: 5

(affected area 1.50 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 13 Conditions of Approval as indicated in Exhibit C-2, and 9 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 5-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 5-0-0.

Zoning Commission Recommendation: Approved Type II Variances (with conditions) by a vote of 5-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 5-0-0.

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; delete square footage, and modify uses; 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 Retail Gas and Fuel Sales with a Convenience Store subject to the Conditions of Approval as indicated in Exhibit C-3.



**E. ZONING APPLICATIONS - NEW**

- 7. [EAC-2018-00599](#) Title: an Expedited Application Consideration application of Canyon Lakes Homeowners Association Inc. by Canyon Lakes Homeowners Association Inc., Agent. Request: to delete Planned Development Condition of Approval (Street Trees).

General Location: Approximately 1/4 mile south of Boynton Beach Blvd, on the east side of Lyons Road (**Canyon Lakes AGR-PUD**) (Control 2002-00067)

Pages: 88 - 122

Conditions of Approval (93 - 108)

Project Manager: Carrie Rechenmacher

Size: 199.71 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 79 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving an Expedited Application to delete Planned Development Condition of Approval (Street Trees) subject to the Conditions of Approval as indicated in Exhibit C.

**F. CORRECTIVE RESOLUTIONS**

**G. ABANDONMENTS**

- 8. [ABN-2018-00584](#) Title: a Development Order Abandonment application of West Palm Beach Baptist Seventh by Land Research Management Inc., Agent. Request: to abandon a Class A Conditional Use to allow a Church or a Place of Worship.

General Location: Southwest corner of Pine Grove Drive and North Haverhill Road. (**West Palm Beach Baptist Seventh Day Church**) (Control 2000-00088)

Pages: 123 - 125

Project Manager: Nancy Frontany

Size: 3.37 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon a Class A Conditional Use to allow a Church or a Place of Worship.

**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**

**H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION**

**I. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**J. ZONING APPLICATIONS - NEW**

**K. ULDC AMENDMENTS**

9. Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2018-01

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

Ordinance Title

- Exhibit A - Definition of Addition
- Exhibit B - Modifications by DRO
- Exhibit C - Art. 2 and Art. 3 Minor Amendments
- Exhibit D - Art. 3.A.3.E.2, Planned Development Districts (PDD)
- Exhibit E - Art. 4.B, Use Regulations
- Exhibit F - Art. 4.B.1.C.4, Single Family and Cottage Homes
- Exhibit G - Art.4.B.2, Electric Vehicle Charging Station
- Exhibit H - Landscape Service & Contractor Storage Yard
- Exhibit I - Equestrian Waste Management Facility
- Exhibit J - Art. 5, Supplementary Standards
- Exhibit K - Art. 5.E.5, Hours of Operation
- Exhibit L - Art. 7.C, Landscape Buffers and Interior Landscape Requirement
- Exhibit M - Art. 9, Archaeological and Historic Preservation
- Exhibit N - Art. 11, Subdivision, Platting and Required Improvements
- Exhibit O - Art. 12, Traffic Performance Standards
- Exhibit P - Art. 14, Environmental Standards

Pages: 126 - 184

Project Manager: Monica Cantor

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing of ULDC Amendment Round 2018-01 on August 23, 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 February 28, 2018, March 28, 2018, April 25, 2018, and May 23, 2018. Sitting as the LDRC on May 23, 2018, all proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: June 25, 2018 Request for Permission to Advertise for First Reading on July 26, 2018: Approved, 7-0.

**MOTION:** To approve on First Reading and Advertise for Adoption Hearing of ULDC Amendment Round 2018-01 on August 23, 2018: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 2003-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS: CHAPTER I, DEFINITIONS & ACRONYMS; ARTICLE 2- APPLICATION PROCESSES AND PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; ARTICLE 3- OVERLAYS & ZONING DISTRICTS: CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS ( PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4- USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; ARTICLE 6- PARKING: CHAPTER A, PARKING; ARTICLE 7- LANDSCAPING: CHAPTER C, MGTS TIER COMPLIANCE; ARTICLE 9- ARCHAEOLOGICAL AND HISTORIC PRESERVATION: CHAPTER A, ARCHAEOLOGICAL AND RESOURCE PROTECTION; ARTICLE 11- SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS: CHAPTER A, GENERAL REQUIREMENTS; CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; ARTICLE 12- TRAFFIC PERFORMANCE STANDARDS: CHAPTER Q, PROPORTIONATE FAIR-SHARE PROGRAM; ARTICLE 14- ENVIRONMENTAL STANDARDS: CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; 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.

10. Title: [RECESS AS THE BOARD OF COUNTY COMMISSIONERS](#)

AND

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

FIRST READING - UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS TO ARTICLE 15, HEALTH REGULATIONS

The proposed ordinance will account for minor revisions, scrivener's errors, omitted text, and specific amendments in Art. 15, Health Regulations, of the Unified Land Development Code (The ULDC).

Ordinance Title

Exhibit A - Art. 15 - Health Regulations

Pages: 185 - 189

Project Manager: Monica Cantor

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing of ULDC Art. 15, Health Regulations on August 23, 2018.

The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) and the Land Development Regulation Commission (LDRC) on May 23, 2018. All proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: June 25, 2018 Request for Permission to Advertise for First Reading on July 26, 2018: Approved, (7-0).

**MOTION:** To approve on First Reading and Advertise for Adoption Hearing of ULDC Art. 15, Health Regulations on August 23, 2018: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-068, AS AMENDED, AS FOLLOWS: ARTICLE 15 - HEALTH REGULATIONS; CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); 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.

RECESS AS THE ENVIRONMENTAL CONTROL BOARD

AND

RE-CONVENE AS THE BOARD OF COUNTY COMMISSIONERS

**L. COMPREHENSIVE PLAN TEXT AMENDMENTS**

**M. OTHER ITEMS**

**END OF REGULAR AGENDA**

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**D. EXECUTIVE DIRECTOR**

**E. ASSISTANT COUNTY ADMINISTRATOR**

**F. COMMISSIONERS**

**ADJOURNMENT**