



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
October 22, 2020**

AGENDA

ITEM # PAGE # APPLICATION AND CONTROL #S APPLICATION NAME

REGULAR AGENDA

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

5. (131) ABN/ZV/PDD/CA-2019-01200 R80 Residential
(2018-00158)

DELETE Engineering Condition 2 of Exhibit C-2, and renumber accordingly.

6. (165) LGA 2021-003 Arden PUD
(2005-00394)

AMEND Planning Condition 2 of Exhibit 1, to read as follows:

2. ~~A maximum of 4,000~~ 1,480 single family dwelling units ~~50,000 , 120 multi-family units, and 35,000~~ square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024. ~~unless it is demonstrated that the Test 2 standards are met by use of proportionate share or otherwise for the Traffic Concurrence/Zoning Analysis pursuant to the ULDC.~~ Prior to Final DRO Master Plan approval, the applicant shall abandon all previous zoning approvals and mining permits on the subject site.

7. (221) ABN/ZV/DOA-2020-00766 Arden PUD
(2005-00394)

ADD Engineering Condition 16 to Exhibit C-2, to read as follows:

~~16. A maximum of 1,480 single family units, 120 multi-family low rise units, and 35,000 square feet of commercial uses (or a combination of land uses that produce equivalent number of trips) shall be built before December 31, 2024 (BLDG/PMT/DATE:MONITORING – Engineering).~~

(225)

AMEND Planning Condition 3 of Exhibit C-2, to read as follows:

3. Per LGA 2021-003, condition 2: A maximum of ~~4,000~~ 1,480 single family dwelling units, 120 multi-family units, and ~~50,000~~ 35,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024. ~~unless it is demonstrated that the Test 2 standards are met by use of proportionate share or otherwise for the Traffic Concurrence/Zoning Analysis pursuant to the ULDC.~~ (BLDG/DATE: Monitoring-Planning/Traffic)

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

8. (Agenda Page 8) SCA-2020-00001 Lee's Landing
(2019-00092)

AMEND Planning Commission Recommendation, to read as follows:

Planning Commission Recommendation: Denial, the failure to pass an affirmative vote resulted in a denial at the March 13, 2020 hearing for the 250 bed request. The Board directed staff at the June 25th meeting to bring the item back to the PLC for recommendation. On October 9, 2020, the PLC heard the applicant's revised request of 200 beds and recommended approval 7 to 5.

(270)

UPDATE Local Planning Agency Results, to read as follows:

Local Planning Agency: The results of the Planning Commission Public Hearing on Oct. 9, 2020: ~~, will be presented in the add/delete.~~ Approval with Conditions, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in a 7 to 5 vote, with Dagmar Brahs, Barbara Roth, Lori Vinikoor, Jim Knight, Kiley Harper-Larsen, Marcia Hayden, Edwin Fergusson voting in support, and David Dinin, Spencer Siegel, Evan Rosenberg, Eric Royal, and Cara Capp voted in opposition at the October 9, 2020 public hearing. Angela Vann lost connection on Webex and did not vote. Under discussion, PLC members also expressed support for the reduction of 200 beds and limiting access to Pioneer Road. One PLC member questioned why the Pioneer Road Property Owners Association (PRPOA) voted to support the project when there are residents of the neighborhood that oppose the project. There were nine speakers and the hearing. Six members of the public spoke in opposition, including a representative of the Estates of Pioneer Lakes, citing concerns regarding the inconsistency with the Pioneer Road Neighborhood Plan, the proposed density/number of beds, and impacts on traffic. Two applicants and the representative for the PRPOA spoke in support. Nine comments cards in opposition were submitted online and read into the record. A packet from the Estates at Pioneer Lakes was distributed to the Board.

9. (360) SV/ZV/PDD/CA-2019-01090 Lees Landing PUD
(2018-00158)

AMEND Site Design Condition 2 of Exhibit C-4, to read as follows:

SITE DESIGN

2. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to provide for a minimum ~~85~~ 105 ft. setback from the proposed Congregate Living Facility to the south Base Building Line. (DRO: ZONING - Zoning)

ADD Site Design Conditions 6 and 7 to Exhibit C-4, to read as follows:

6. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to indicate a maximum 180,000 total building square footage. (DRO: ZONING - Zoning)

7. The maximum height measured from finished grade to highest point shall not exceed thirty-five (35) feet for the three-story structure, with exception to ULDC Art. 3.D.1.E.4, Height Exceptions, and Table 5.C.1.H, Primary Roof Design Element. (BLDGPM: BUILDING DIVISION - Zoning)



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY OCTOBER 22, 2020

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

OTHER DEPARTMENT ITEMS

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**

OCTOBER 22, 2020

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. [EAC-2020-00269](#) Title: an Expedited Application Consideration application of D R Horton, Inc. by WGINC, Agent. Request: to amend and delete Conditions of Approval.

General Location: Northeast corner of Lyons Road and Hypoluxo Road (within the Town Commons Multiple Land Use (MLU) development). **(Town Commons PUD)** (Control 2004-00247)

Pages: 1 - 27

Conditions of Approval (8 - 18)

Project Manager: Brenya Martinez

Size: 24.23 acres ±

BCC District: 3

(affected area 21.43 acres ±)

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

MOTION: To adopt a Resolution approving an Expedited Application Consideration to amend and delete Conditions of Approval, 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

2. [LGA-2020-00015](#) Title: Reach Estate, Large Scale Future Land Use Amendment application of Rene F. Aguiar by Cotleur & Hearing Inc., Agent. Request: To change a future land use designation from Rural Residential, 1 unit per 2.5 acres (RR-2.5) to Commercial Low-Office with an underlying 1 unit per 2.5 acres (CL-O/RR-2.5) with conditions, and to revise the text of the Future Land Use Element of the Comprehensive Plan to revise the commercial location criteria for the Exurban Tier.

General Location: Southwest corner of Orange Boulevard and Seminole Pratt Whitney Road. (**Reach Estate**) (Control 2019-00094)

Pages: 28 - 59

Conditions of Approval (34 - 34)

Project Manager: Lisa Amara

Size: 1.76 acres \pm

BCC District: 6

Staff Recommendation: Approval of an amendment to change the future land use designation from Rural Residential, 1 unit per 2.5 acres (RR-2.5) to Commercial Low-Office with an underlying 1 unit per 2.5 acres (CL/RR-2.5) with conditions, and to revise the Future Land Use Element of the Comprehensive Plan.

Planning Commission Recommendation: Recommended Approval with conditions in a vote of 14-0.

BCC Transmitted by a vote of 7-0 at the July 28, 2020 hearing.

MOTION: To adopt an ordinance changing the future land use designation from Rural Residential, 1 unit per 2.5 acres (RR-2.5) to Commercial Low-Office with an underlying 1 unit per 2.5 acres (CL/RR-2.5) with conditions and revising the Future Land Use Element of the Comprehensive Plan.

3. [Z-2020-00471](#) Title: an Official Zoning Map Amendment application of Rene F Aguiar Trust by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District.

General Location: Southwest corner of Seminole Pratt Whitney Road and Orange Boulevard. (**Reach Estate**) (Control 2019-00094)

Pages: 60 - 77

Conditions of Approval (68 - 69)

Project Manager: Ryan Vandenburg

Size: 1.76 acres ±

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment subject to a Conditional Overlay Zone (COZ) (with conditions) by a vote of 7-0-0.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District, subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C.

4. [LGA-2020-00003](#) Title: R80 PUD Residential, Large Scale Land Use Amendment application of Southern & Jog Apartments, LLC - Ernesto Lopes by Schmidt Nichols, Agent. Request: To change a future land use designation from Medium Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12)

General Location: Northeast corner of 1st Street and Southern Boulevard (westbound exit ramp to Jog Road). (**R80 PUD Residential**) (Control 2018-00158)

Pages: 78 - 118

Conditions of Approval (84 - 84)

Project Manager: Inna Stafeychuk

Size: 11.46 acres ±

BCC District: 2

Staff Recommendation: Approval of the future land use amendment from Medium Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12) with conditions.

Planning Commission Recommendation: Recommended Approval with conditions by a vote of 13-0

BCC Transmitted to State by a vote of 7-0 at the July 28, 2020.

MOTION: To adopt an ordinance changing a future land use designation from Medium Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12) with conditions.

5. [ABN/ZV/PDD/CA-2019-01200](#) Title: Development Order Abandonment application of Southern & Jog Apartments, LLC by Schmidt Nichols, Agent. Request: to abandon a Special Exception to allow a Security Kennel; and, a Class A Conditional Use to allow a Daycare.

Title: an Official Zoning Map Amendment of Southern & Jog Apartments, LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and Single Family Residential (RS) Zoning Districts to the Planned Unit Development (PUD) Zoning District.

Title: a Class A Conditional Use of Southern & Jog Apartments, LLC by Schmidt Nichols, Agent. Request: to allow a Transfer of Development Rights; and, Workforce Housing Density Bonus greater than 50 percent.

General Location: Northeast corner of Southern Boulevard and First Street. **(R80 Residential)** (Control 2018-00158)

Pages: 119 - 158

Conditions of Approval (129 - 138)

Project Manager: Ryan Vandenburg

Size: 11.46 acres ±

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-2 to C-4.

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

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

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) by a vote of 7-0-0.

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

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

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 Development Order Abandonment to abandon a Special Exception to allow a Security Kennel.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Class A Conditional Use to allow a Daycare.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) and Single Family Residential (RS) Zoning Districts to the Planned Unit Development (PUD) Zoning District, subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a Transfer of Development Rights, 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 a Workforce Housing Density Bonus greater than 50 percent, subject to the Conditions of Approval as indicated in Exhibit C-4.

6. [LGA-2021-00003](#) Title: Arden PUD, Large Scale Future Land Use Amendment application of Highland Dunes Associates Property Llc, Arden Homeowners Association Inc by Urban Design Kilday Studios, Agent. Request: To revise conditions of approval adopted by Ordinance 2004-066, including to allow up to 2,420 units on this site with LR-2 future land use.

General Location: 1226 Arden Park Drive & 19612 Cane Field Trace - Approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (**Arden PUD**) (Control 2005-00394)

Pages: 159 - 201

Conditions of Approval (165 - 165)

Project Manager: Inna Stafeychuk

Size: 1,209.98 acres \pm

BCC District: 6

Staff Recommendation: Approval of an amendment to revise conditions of approval that were previously adopted by Ord. 2004-066.

Planning Commission Recommendation: Recommended Approval with modifications in an 8-4 vote.

BCC Transmitted in a 7-0 vote at the July 28, 2020 hearing.

MOTION: To adopt an ordinance revising conditions of approval that were previously adopted by Ord. 2004-066.

7. [ABN/ZV/DOA-2020-00766](#) Title: a Development Order Amendment application of Arden Homeowners Association, Inc., Highland Dunes Associates Property, LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master Plan to add land area (to match the Platted boundary) and units; reconfigure Pods D, G, H and I; and, to modify Conditions of Approval.

General Location: North side of Southern Boulevard, approximately 2.5 miles west of Seminole Pratt Whitney Road. (**Arden PUD**) (Control 2005-00394)

Pages: 202 - 268

Conditions of Approval (212 - 228)

Project Manager: Meredith Leigh

Size: 1,209.98 acres \pm

BCC District: 6

(affected area 332.19 acres \pm)

DISCLOSURE

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

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

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) 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 Amendment to reconfigure the Master Plan; add land area (to match the Platted boundary); add units; reconfigure Pods D, G, H and I; and, to modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

8. [SCA-2020-00001](#) Title: Lee's Landing PUD, Small Scale Land Use Amendment application of James Baroni, Tairon Coronel, James Gelsomino, Mary Baroni, Arelis Coronel, Brandon Rinker, Colleen Gelsomino by Schmidt Nichols, Agent. Request: To change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Congregate Living Residential with an underlying Low Residential, 1 unit per acre (CLR/1)

General Location: Northwest corner of Jog Road and Pioneer Road (**Lee's Landing PUD**) (Control 2019-00092)

Pages: 269 - 342

Conditions of Approval (275 - 275)

Project Manager: Stephanie Gregory

Size: 9.33 acres \pm

BCC District: 2

Staff Recommendation: To change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Congregate Living Residential with an underlying Low Residential, 1 unit per acre (CLR/1) with conditions.

Planning Commission Recommendation: Denial, the failure to pass an affirmative vote resulted in a denial at the March 13, 2020 hearing.

MOTION: To adopt an ordinance changing a future land use designation from Low Residential, 1 unit per acre (LR-1) to Congregate Living Residential with an underlying Low Residential, 1 unit per acre (CLR/1) with conditions.

- 9. [SV/ZV/PDD/CA-2019-01090](#) Title: an Official Zoning Map Amendment application of James Baroni, Rinker Companies, LLC, Mary Baroni, Arelis Coronel, Tairon Coronel, James Gelsomino, Colleen Gelsomino by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.
Title: a Class A Conditional Use of James Baroni, Rinker Companies, LLC, Mary Baroni, Arelis Coronel, Tairon Coronel, James Gelsomino, Colleen Gelsomino by Schmidt Nichols, Agent. Request: to allow a Type 3 Congregate Living Facility.
General Location: Northwest corner of Jog Road and Pioneer Road. **(Lee's Landing PUD)** (Control 2019-00092)

Pages: 343 - 397

Conditions of Approval (354 - 361)

Project Manager: Ryan Vandenburg

Size: 9.33 acres ±

BCC District: 2

DISCLOSURE

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

Zoning Commission Recommendation: Approved Subdivision Variance by a vote of 5-1-1.

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) by a vote of 5-1-1.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 5-1-1.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 5-1-1.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR) Zoning District to Planned Unit Development (PUD) 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 a Type 3 Congregate Living Facility, subject to the Conditions of Approval as indicated in Exhibit C-4.

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

J. ZONING APPLICATIONS - NEW

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. ULDC AMENDMENTS

M. OTHER ITEMS

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

10. [Title: Presentation regarding the History and Current Practice of the Tree Policy in the Unified Land Development Code \(ULDC\)](#)

Pages: 398 - 404

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT