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**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**THURSDAY JULY 30, 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/](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 30, 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. [CA-2019-01130](#) Title: a Class A Conditional Use application of EC Development, LLC by Brahm Development, Arc Development Global LLC, Agent. Request: to allow a Transfer of Development Rights (TDR) of more than 2 units per acre to a residential subdivision.

General Location: Southwest corner of Purdy Lane and Greengate Circle, approximately 0.4 miles west of Haverhill Road. **(Pine Bay)** (Control 2006-00372)

Pages: 1 - 19

Conditions of Approval (8 - 10)

Project Manager: Travis Goodson

Size: 5.67 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to the 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 Transfer of Development Rights (TDR) of more than 2 units per acre to a residential subdivision, subject to the Conditions of Approval as indicated in Exhibit C.

- 2. [Z-2020-00161](#) Title: an Official Zoning Map Amendment application of Lazo Venture, LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Multifamily Residential (RM) Zoning District.  
General Location: East side of the terminus of Ethelyn Drive, approximately 950 feet south of Wallis Road. **(Lazo Rezoning)** (Control 2020-00023)

Pages: 20 - 32

Conditions of Approval (25 - 25)

Project Manager: Travis Goodson

Size: 0.12 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to a Conditional Overlay Zone (COZ), 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), by a vote of 7-0-0.

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Multifamily Residential (RM) Zoning District, subject to a Conditional Overlay Zone (COZ), and the Conditions of Approval as indicated in Exhibit C.

**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

3. [LGA-2020-00006](#) Title: West Boynton Center, Large Scale Land Use Amendment application of Partners Smigiel by Urban Design Kilday Studios, Agent. Request: To delete prior condition of approval which restricts the site to a maximum of 48,000 sf of commercial retail uses, or other uses which do not exceed the equivalent traffic generating trips (Ordinance 2016-036).

General Location: Northwest Corner of Boynton Beach and Acme Dairy Road. (**West Boynton Center**) (Control 2008-00339).

Pages: 33 - 70

Conditions of Approval (40 - 40)

Project Manager: Lisa Amara

Size: 6.85 acres  $\pm$

BCC District: 5

Staff Recommendation: Approval of the amendment as transmitted, to revise conditions of approval on a property with Commercial Low with underlying Agricultural Reserve (CLR/AGR).

Planning Commission Recommendation: Approval with a vote of 10-0 at the December 13, 2019 Planning Commission Public Hearing.

Transmittal w/modifications, agreed by applicant, with 4-3 vote at the Feb. 5, 2020 BCC Public Hearing.

**MOTION:** To delete prior condition of approval which restricts the site to a maximum of 48,000 sf of commercial retail uses, or other uses which do not exceed the equivalent traffic generating trips (Ordinance 2016-036).

4. [ZV/PDD/CA/W-2019-02321](#) Title: an Official Zoning Map Amendment application of Partners Smigiel by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the General Commercial (CG) and Agricultural Reserve (AGR) Zoning Districts, to the Multiple Use Planned Development (MUPD) District.  
Title: a Class A Conditional Use of Partners Smigiel by Urban Design Kilday Studios, Agent. Request: to allow a Limited Access Self-Service Storage Facility; and a Multi-Access Self-Service Storage Facility.  
Title: a Type 2 Waiver of Partners Smigiel by Urban Design Kilday Studios, Agent. Request: to allow an opaque fence in lieu of a wall in an Incompatibility Buffer.  
General Location: Northwest corner of Acme Dairy Road and Boynton Beach Boulevard. (**West Boynton Center**) (Control 2008-00339)

Pages: 71 - 126

Conditions of Approval (80 - 87)

Project Manager: Meredith Leigh

Size: 6.85 acres  $\pm$

BCC District: 5

#### DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-2 through C-5.

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.

Zoning Commission Recommendation: Recommended Approval of a Type 2 Waiver by a vote of 7-0-0.

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) and Agricultural Reserve (AGR) Zoning Districts, to the Multiple Use Planned Development District 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 Limited Access Self-Service Storage Facility, 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 Multi-Access Self-Service Storage Facility subject to the Conditions of Approval as indicated in Exhibit C-4.

**MOTION:** To adopt a Resolution approving a Type 2 Waiver to allow an opaque fence in lieu of a wall in an Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C-5.

## G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

5. [SCA-2020-00013](#) Title: Burlington Self-Storage of Lake Worth, Small Scale Land Use Amendment application of Steve Allain by Urban Design Kilday Studios, Agent. Request: To change a future land use designation from Medium Residential, 5 units per acre (MR-5) to Industrial with an underlying Medium Residential, 5 units per acre (IND/5).

General Location: West side of Desoto Road, approximately 633 ft north of the intersection of Lantana Road and Desoto Road. **(Burlington Self-Storage of Lake Worth LLC)** (Control 2005-00427).

Pages: 127 - 166

Conditions of Approval (133 - 133)

Project Manager: Carolina Valera

Size: 1.29 acres ±

BCC District: 3

Staff Recommendation: To change a future land use designation from Medium Residential, 5 units per acre (MR-5) to Industrial with an underlying Medium Residential, 5 units per acre (IND/5) with conditions.

Planning Commission Recommendation: Approval with conditions in a vote of 14-0 at the June 12, 2020 Planning Commission Public Hearing.

**MOTION:** To adopt an ordinance to change a future land use designation from Medium Residential, 5 units per acre (MR-5) to Industrial with an underlying Medium Residential, 5 units per acre (IND/5) with Conditions.



6. [Z/DOA-2019-02370](#) Title: an Official Zoning Map Amendment application of Steve Allain, Burlington Self Storage Lake Worth LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District.

Title: a Development Order Amendment of Steve Allain, Burlington Self Storage Lake Worth LLC by Urban Design Kilday Studios, Agent. Request: to amend the Site Plan for a Class A Conditional Use of a Single Use exceeding 100,000 square feet, on a parcel with an Industrial Future Land Use designation, to add land area and additional outdoor storage area, and modify Conditions of Approval; and, to amend the Conditional Overlay Zone (COZ) to add land area and modify Conditions of Approval.

General Location: On the northwest corner of Lantana Road and DeSoto Road, approximately 800 feet east of Haverhill Road. **(Burlington Self-Storage of Lake Worth)** (Control 2005-00427)

Pages: 167 - 209

Conditions of Approval (176 - 184)

Project Manager: Travis Goodson

Size: 5.69 acres ±

BCC District: 3

(affected area 1.29 acres ±)

#### DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to Conditions of Approval as indicated in Exhibits C-1 through C-3.

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 Development Order Amendment 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 an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District, subject to Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to amend the Site Plan for a Class A Conditional Use of a Single Use exceeding 100,000 square feet, on a parcel with an Industrial Future Land Use designation, to add land area and additional outdoor storage area, and modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to amend the Conditional Overlay Zone (COZ) to add land area and modify Conditions of Approval, 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

7. [ABN/Z-2019-01611](#) Title: a Development Order Abandonment application of Southeast Investments of Palm Beach County Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to abandon a Special Exception to allow Farm Implement Sales and Service.

Title: an Official Zoning Map Amendment of Southeast Investments of Palm Beach County Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District.

General Location: Northeast corner of Atlantic Avenue and State Road 7. (**Young Property North**) (Control 1976-00133)

Pages: 210 - 224

Conditions of Approval (216 - 217)

Project Manager: Ryan Vandenburg

Size: 12.77 acres ±

BCC District: 5

### DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and the 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 an Official Zoning Map Amendment by a vote of 7-0-0.

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon a Special Exception to allow Farm Implement Sales and Service.

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District, subject to a Conditional Overlay Zone (COZ) and Conditions of Approval as indicated in Exhibit C.

## J. ZONING APPLICATIONS - NEW

**K. COMPREHENSIVE PLAN TEXT AMENDMENTS****8. [Title: a Privately Proposed Amendment Initiation Delray Marketplace Office AGR](#)**

The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, also considered Phase I. If the amendment is initiated, staff will accept the associated Future Land Use Atlas (FLUA) amendment for processing, proceed with the review and analysis, prepare a staff report, and return to the Board with the text and FLUA amendment through the public hearing process as part of Phase II.

Associated FLUA Amendment: The subject site is a 2.05 acre Agricultural Reserve preserve area of the Delray Marketplace Traditional Marketplace Development (TMD) with a conservation easement. The applicant proposes this text amendment in order to proceed with a future land use change to the Commercial future land use, then to remove the 2.05 acre site from the TMD, remove the conservation easement, add 2.05 acres of preserve area to the TMD from another property, and to rezone the subject site to a zoning district that would allow medical office. This site is located in District 5.

Pages: 225 - 240

Project Manager: Lisa Amara

Staff Recommendation: Staff recommends that the Board deny the request for initiation.

**MOTION:** To deny initiation of the proposed Amendment.

**L. ULDC AMENDMENTS****9. [Title: FINAL ADOPTION - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT LANDSCAPE SERVICE IN AGR-PUD ZONING DISTRICT PRESERVE AREAS](#)**

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 Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas

Exhibit B AGR Tier Analysis and Locations for AGR-PUD Preserves

Pages: 241 - 274

Project Manager: Patricia Behn

Staff Recommendation: Staff recommends adoption of an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

Land Development Regulation Advisory Board (LDRAB) Recommendation: On May 27, 2020, the LDRAB recommended approval of the proposed ULDC amendment with a vote of 16-0.

Land Development Regulation Commission (LDRC) Determination: On May 27, 2020, the LDRC found the proposed ULDC amendment consistent with the Comprehensive Plan with a vote of 15-0.

BCC Public Hearing: On May 28, 2020, the BCC approved the Request for Permission to Advertise for First Reading on June 25, 2020, with a vote of 7-0. On June 25, 2020, the BCC approved the First Reading and Advertisement for Adoption Hearing on July 30, 2020 with a vote of 7-0.

**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: 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.

10. [Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2020-01](#)

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 Art. 2, Administrative Modifications

Exhibit B Art. 2, Residential Type 1 Variances

Exhibit C Art. 3, Palm Beach International Airport Overlay Landscaping, Notification, and Noise

Exhibit D Art. 3, Zero Lot Line Residential Uses

Exhibit E Art. 3 and 4, Plan Requirements for Planned Development Districts

Exhibit F Art. 4, Commercial Recreation Zoning District with Rural Residential Future Land Use Designation

Exhibit G Art. 4, Mobile Retail Sales

Exhibit H Art. 5, Workforce Housing Program Low-Income Category Rental Requests

Exhibit I Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections

Pages: 275 - 345

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends approval of First Reading and Advertise for Adoption Hearing of the ULDC Amendment Round 2020-01 for August 27, 2020.

Land Development Regulation Advisory Board (LDRAB): On February 26, 2020 and May 27, 2020, the LDRAB recommended approval of the proposed amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On May 27, 2020, the LDRC found the proposed ULDC amendments to be consistent with the Comprehensive Plan with a vote of 15-0.

BCC Public Hearing: On June 25, 2020, the BCC approved the Request for Permission to Advertise for First Reading on July 30, 2020, with a vote of 7-0.

**MOTION:** To approve on First Reading and Advertise for Adoption Hearing of the ULDC Amendment Round 2020-01, for August 27, 2020: ARTICLE 1 - GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND ACRONYMS; ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, USE CLASSIFICATION; ARTICLE 5 - SUPPLEMENTARY STANDARDS: CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6 - PARKING, LOADING, AND CIRCULATION: CHAPTER B, PARKING AND LOADING; CHAPTER E, LOADING STANDARDS; 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.

11. [Title: Request for Direction to Recommend and Explore Changes to Code to Encourage Electric Vehicle Adoption](#)

**REQUEST:** To direct the Office of Resilience and the Planning, Zoning & Building Zoning Division to recommend changes to the ULDC that will require: a certain percentage of off-street parking spaces at new and substantially renovated Multifamily Residential developments and new and substantially renovated Commercial Office developments be Level 2 EVSE-ready; and new gas station developments and certain types of substantial gas station parking redevelopments be equipped with DC Fast EVSE.

**REQUEST:** To direct OOR and the Zoning Division to: examine incentive options for requiring DC Fast EVSE at gas stations, e.g. reduced parking requirements; set appropriate percentages and thresholds for EVSE and infrastructure requirements, e.g. 2% of parking spaces in lots larger than 20 spaces for gas stations and 50 spaces for other building use types; consider revisions to EV parking space caps that already exist in code; define any required make-ready infrastructure and the location of such infrastructure; examine setback and landscaping code requirements to streamline EVSE installation; and explore expanding requirements to additional building use types upon successful implementation of the proposed requirements.

Pages: 346 - 352

Project Manager: Megan Houston

**MOTION:** To direct OOR and the Zoning Division to recommend changes to ULDC that will require consideration of EVSE infrastructure requirements in certain types of new development or redevelopment.

**MOTION:** To direct OOR and the Zoning Division to review existing code that potentially limits or hinders EVSE adoption, and incentives and future steps to encourage or require EVSE in certain types of new development or redevelopment.

## M. OTHER ITEMS

### OTHER DEPARTMENT ITEMS

#### A. PURCHASING CONTRACT

**B. DEPARTMENT UPDATE**

**C. ENGINEERING ITEM**

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**D. EXECUTIVE DIRECTOR**

**E. ASSISTANT COUNTY ADMINISTRATOR**

**F. COMMISSIONERS**

**ADJOURNMENT**