



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
January 28, 2021**

AGENDA

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

REGULAR AGENDA

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

| | | | |
|-----------|-------------|-----------------------------------|--------------------------------|
| 4. | (66) | EAC-2020-1693 (2003-00035) | Countryside Meadows PUD |
|-----------|-------------|-----------------------------------|--------------------------------|

AMEND Reason for amendment for Planned Development Condition 2 of Exhibit C, to read as follows:

Is hereby deleted. [REASON: Code has been amended to allow establish new street ~~the removal of street tree provisions, and~~ trees subject to Land Development may be replaced through approval of a Vegetation Removal Permit.]

J. ZONING APPLICATIONS- NEW

| | | | |
|-----------|--------------|--|-------------------------------------|
| 5. | (101) | ZV/DOA/CA-2019-01674 (1995-00057) | Marketplace at Wycliffe MUPD |
|-----------|--------------|--|-------------------------------------|

ADD Engineering Condition 9 to Exhibit C-2, to read as follows:

Prior to the Final Site Plan approval, the Property Owner shall revise the traffic impact study report to reflect the latest proposed land use shown to the site plan. (DRO:Engineering – Engineering)

L. ULDC AMENDMENTS

| | | |
|-----------|------------------|---|
| 7. | (190-191) | FIRST READING – UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2020-02 |
|-----------|------------------|---|

AMEND, Exhibit J – Art. 3 and 5, Recreation Areas and Amenities, Part 2 (page 190-191), to clarify applicable setbacks adjacent to parcels with open space 50 feet or greater in width, and pod lot line nearest to recreation amenities (not the entire Recreation Pod boundary) dictates eligibility to utilize the setback reduction.

Notes:

Underlined indicates **new** text; Double underline indicates revised added text; ~~Stricken~~ indicates text to be deleted; Double stricken indicates revised deleted text; ~~Stricken and italicized~~ means text to be totally or partially relocated; If being relocated destination is noted in bolded brackets [**Relocated to:**]; *Italicized* indicates text to

be relocated. Source is noted in bolded brackets [**Relocated from:**]; A series of four bolded ellipses indicates language omitted to save space.

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Table 5.B.1.A – Setbacks, General

| Zoning | Setbacks (4) | | | |
|--|---|--|--------------------|--|
| | Front | Side | Side Street | Rear |
| Residential Lot with a Residential Use | 25' | 7.5' (3) | 15' | 7.5' (3) |
| Recreation Pod, Tract, or Area ≥ 1 ac. (1)(2) | 25' (5) | 50' (R) 15' (C) | 25' (5) | 50' (R) 15' (C) |
| Recreation Pod, Tract, or Area ≥ 7,500 sq. ft. < 1 ac. | 25' (5) | 25' (R) 15' (C) | 25' (5) | 25' (R) 15' (C) |
| Recreation < 7,500 sq. ft. | 15' | 15' | 15' | 15' |
| [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001] | | | | |
| Notes: | | | | |
| C | Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, or pod, or open space 50 feet or greater in width, and does not support a residential use. | | | |
| R | Indicates the setback if the lot is adjacent to the residential use. | | | |
| 1. | Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001] | | | |
| 2. | Golf course greens, excluding driving ranges, shall be exempt from these setbacks. | | | |
| 3. | Setbacks for recreational amenities and equipment may be reduced to five feet on a residential lot with a Single Family, ZLL, Townhouse, Cottage Home (Single Unit on a Single Lot), or Mobile Home Dwelling, excluding the AR Zoning d District. [Ord. 2014-001] | | | |
| 4. | Recreation Amenities located within a Multifamily or Congregate Living Facility Development, shall provide a minimum separation of 50 feet between the amenity and the residential structure. | | | |
| 5. | Setbacks may be reduced to 15 feet provided that the recreation amenity is located a minimum 50 feet from the nearest residential property line. A minimum 36-inch-high opaque hedge at the time of planting, shall be planted along the recreation amenity adjacent to the street, with the planting area being five feet in width and no easement overlap. | | | |



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY, JANUARY 28, 2021

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**

JANUARY 28, 2021

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

1. [SV/CA-2018-01805](#) Title: a Subdivision Variance application of JMB Holdings, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow access from a 60-foot easement.

Title: a Class A Conditional Use of JMB Holdings, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Type 2 Congregate Living Facility.

General Location: Northwest corner of 155th Place North and 79th Terrace North. **(Banyan House)** (Control 2015-00115)

Pages: 1 - 2

Project Manager: Ryan Vandenburg

Size: 1.83 acres ±

BCC District: 1

Staff Recommendation: No recommendation required. This application was withdrawn by the Agent on January 5, 2021.

Zoning Commission Recommendation: Withdrawn with prejudice by a vote of 7-0-1.

MOTION: No motion required.

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

- 2. [ZV/DOA-2020-00786](#) Title: a Development Order Amendment application of West Palm Realty Associates, LLC by Urban Design Studio, Agent. Request: to add square footage and reconfigure the Site Plan.

General Location: Southwest corner of North Military Trail and Community Drive. **(Crosstown Plaza)** (Control 1975-00156)

Pages: 3 - 28

Conditions of Approval (11 - 14)

Project Manager: Brenya Martinez

Size: 17.94 acres ±

BCC District: 7

(affected area 0.88 acres ±)

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

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

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 add square footage and reconfigure the Site Plan, subject to the Conditions of Approval as indicated in Exhibit C-2.

- 3. [ZV/ABN/CA-2020-01103](#) Title: a Class A Conditional Use application of WH Cleary, LLC, Palm Beach County by Urban Design Studio, Agent. Request: to allow Chipping and Mulching.

General Location: Northwest corner of North Cleary Road and Wallis Road, approximately 250 feet north of Southern Boulevard. **(Hemstreet Park)** (Control 1979-00226)

Pages: 29 - 50

Conditions of Approval (36 - 38)

Project Manager: Meredith Leigh

Size: 12.66 acres ±

BCC District: 2

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

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

Zoning Commission Recommendation: Approved a Development Order Abandonment 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.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow Chipping and Mulching, 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

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 4. [EAC-2020-01693](#) Title: a Development Order Amendment Expedited Application Consideration application of Cobblestone Creek Homeowner's Association, Inc. - by JMorton Planning & Landscape Architecture, Agent. Request: to delete a Condition of Approval.

General Location: On the east side of Lyons Road, approximately 563 feet north of Boynton Beach Boulevard. (**Countryside Meadows PUD**) (Control 2003-00035)

Pages: 51 - 90

Conditions of Approval (62 - 71)

Project Manager: Timothy Haynes

Size: 250.10 acres ±

BCC District: 5

(affected area 99.78 acres ±)

DISCLOSURE

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 a Development Order Amendment Expedited Application Consideration to delete a Condition of Approval, subject to the Conditions of Approval as indicated in Exhibit C.

J. ZONING APPLICATIONS - NEW

- 5. [ZV/DOA/CA-2019-01674](#) Title: a Development Order Amendment application of Bixmor GA Marketplace Wycliffe, LLC by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan to modify uses, add a building, and modify Conditions of Approval.

Title: a Class A Conditional Use of Bixmor GA Marketplace Wycliffe, LLC by Cotleur & Hearing Inc., Agent. Request: to allow a Type 1 Restaurant with a Drive-through.

General Location: Northwest corner of Lake Worth Road and State Road 7. **(Marketplace at Wycliffe MUPD)** (Control 1995-00057)

Pages: 91 - 120

Conditions of Approval (98 - 107)

Project Manager: Meredith Leigh

Size: 24.16 acres ±

BCC District: 6

(affected area 21.43 acres ±)

DISCLOSURE

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

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

Zoning Commission Recommendation: Recommended Approval of a Development Order 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.

MOTION: To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan to modify uses, add a building, and modify Conditions of Approval, 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 Type 1 Restaurant with a Drive-through, subject to the Conditions of Approval as indicated in Exhibit C-3.

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. ULDC AMENDMENTS

- 6. [Title: FINAL ADOPTION - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) UPDATE OF AGR-PUD ZONING DISTRICT PRESERVE AREA LANDSCAPE SERVICE REGULATIONS](#)

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, Update of AGR-PUD Zoning District Preserve Area Landscape Service Regulations

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

Pages: 121 - 152

Project Manager: Wendy Hernandez

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: The LDRAB will meet on January 27, 2021 for recommendations on Exhibit A. Staff will provide the update at the BCC hearing.

Land Development Regulation Commission (LDRC) Determination: The LDRAB will meet on January 27, 2021 for recommendations on Exhibit A. Staff will provide the update at the BCC hearing.

BCC Public Hearing: On December 22, 2020, the BCC approved the Request for Permission to Advertise on January 28, 2021, 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.

7. [Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2020-02](#)

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

Ordinance Title

Exhibit A - Art. 2, Waiver Summary Tables Consolidation

Exhibit B - Art. 1 and 2, Release of Unity of Title

Exhibit C - Art. 2, Monitoring Development Phases

Exhibit D - Art. 2, Removal of the Building Division from DRO Agency Review

Exhibit E - Art. 1, 2, 3, and 4, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO

Exhibit F - Art. 2, 3, and 5, Unity of Control

Exhibit G - Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings

Exhibit H - Art. 4, Planning Determination for Infill Density Exemption

Exhibit I - Art. 5, WCRAO Workforce Housing Program Exemption

Exhibit J - Art. 3 and 5, Recreation Areas and Amenities

Exhibit K - Art. 4, Commercial Communication Tower Collocation Procedures

Exhibit L - Art. 1 and 4, Minimum Frontage, Access, and Roads

Pages: 153 - 198

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends approval of First Reading and Advertise for Adoption Hearing of the ULDC Amendment Round 2020-02 for February 25, 2021.

Land Development Regulation Advisory Board (LDRAB): On August 26, 2020, September 23, 2020, and October 28, 2020, the LDRAB recommended approval of the proposed amendments with multiple votes. The LDRAB met on December 16, 2020 and tabled an Exhibit for the Department of Environmental Resources Management (ERM) with a vote of 16-0, and recommended approval of Exhibits J, K, and L with votes of 16-0.

Land Development Regulation Commission (LDRC) Determination: On October 28, 2020, the LDRC found the proposed ULDC amendments, Exhibits A-I to be consistent with the Comprehensive Plan with a vote of 15-0. The LDRC met on December 16, 2020, and found Exhibits J, K, and L to be consistent with the Plan with a vote of 16-0.

MOTION: To approve on First Reading and Advertise for Adoption Hearing of the ULDC Amendment Round 2020-02 for February 25, 2021: ARTICLE 1 - GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND ACRONYMS; ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES: CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; CHAPTER E, MONITORING OF DEVELOPMENT ORDERS (DOs) AND CONDITIONS OF APPROVAL; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; 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 B, ACCESSORY USES AND STRUCTURES; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; 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.

M. OTHER ITEMS

END OF REGULAR AGENDA

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