



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
April 22, 2021**

AGENDA

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

CONSENT AGENDA

A. ZONING APPLICATIONS- NEW

| | | | |
|-----------|------------------|--|--|
| 4. | (Page 36) | ZV/CA-2020-01844 (2002-00067) | Busch Wildlife Sanctuary Foundation |
|-----------|------------------|--|--|

Amend the following Engineering Condition in Exhibit C-2, to read as follows:

5. The Property Owner shall construct a minimum 8 foot wide pathway along the west side of Rocky Pines Road from Indiantown Road to the south property line. The design shall be approved by the...

| | | | |
|-----------|------------------------|---|---------------------------------|
| 6. | (Agenda Page 6) | PDD/DOA-2020-1701 (2002-00067) | Canyon Lakes AGR-PUD |
|-----------|------------------------|---|---------------------------------|

To ADD MOTION, to read as follows: To approve and authorize the Mayor to Partially Release the Conservation Easement for Preserve #2 Hyder, subject to review and approval by the County Attorney.

REGULAR AGENDA

B. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

| | | | |
|------------|-------------------|--|-------------------------|
| 14. | (Page 444) | LGA-2021-00005 (2013-00296) | Polo Gardens MLU |
|------------|-------------------|--|-------------------------|

AMEND the following Ordinance Conditions in Exhibit 1-A on page 380, to read as follows:

9. The ~~zoning development order shall include a condition of approval requiring the completion of the 60 foot roadway connecting Polo Road to Hooks Road~~ is required in order to provide connectivity identified within the West Lake Worth Road Neighborhood Plan.

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|------------|-------------------|--|--------------------------|
| 15. | (Page 455) | ZV/PDD/CA-2020-00788 (2013-00296) | Polo Gardens MUPD |
|------------|-------------------|--|--------------------------|

AMEND the following Engineering Conditions in Exhibit C-2, to read as follows:

8. The Property Owner shall do the ...
 c. Once part “a” of this condition is deemed complete, Conditions ~~and 911~~ and ~~1012~~ will be deemed complete and will be closed. (ONGOING: ENGINEERING - Engineering)
9. The Property Owner shall construct ...
 c. Once part “a” of this condition is deemed complete, Condition ~~810~~ will be deemed complete and will be closed. (ONGOING: ENGINEERING - Engineering)

L. ULDC AMENDMENTS

17. (Page 36) REQUEST FOR PERMISSION TO ADVERTISE - UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT FOR COMMUNITY RESIDENCES, RECOVERY COMMUNITIES, CONGREGATE LIVING FACILITIES, AND SKILLED NURSING AND RESIDENTIAL TREATMENT FACILITIES

Amend – Exhibit B, Community Residences, Recovery Communities, Congregate Living Facilities, And Skilled Nursing and Residential Treatment, Part 1, page 535 lines 46-56, ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms, Definitions [Reason: To adjust add clarification on the misuse of legal drugs is prohibited, and to clarify that residents that live in the Oxford House and lose their charter must go back to their families or other safe living environment.]

44 O. Terms defined herein or referenced in this Article shall have the following meanings:

45
 46 **27. Oxford House** – A self-governed Family Community Residence for people in recovery from
 47 substance abuse disorder that has been issued a “Conditional Charter” or “Permanent Charter”
 48 by Oxford House World Services, or any successor organization providing oversight, where
 49 there is no limit on length of residency, and, where the use of alcohol or any illegal drug is
 50 prohibited; where any misuse of legal drugs is prohibited, where any resident who violates this
 51 prohibition is expelled from the dwelling; where the residents pay the costs of the dwelling,
 52 including rent and utilities; and, where through a majority vote, the residents establish policies
 53 governing living in the Oxford House, including the manner in which applications for residence
 54 are approved. Upon termination, revocation, or suspension of its Charter, an Oxford House
 55 must be closed within 60 calendar days and the administrators of the Charter must return
 56 residents must be returned to their families or relocated them to another safe and secure living
 57 environment.

....[Renumber accordingly]

Amend – Exhibit B, Art. 2.B.7.D, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver Part 2 page 536 Reason for amendment lines 10 to 12 and page 538 lines 29-35 [Reason: To clarify that the waiver is required when it exceeds the maximum number of residents allowed as of right. To clarify that the Type 2 Waiver that allowance to demonstrate financial viability is only for Community Residences and not Recovery Communities. To clarify the zoning districts and Pods where the Transitional Family Residence must meet the standards to have the proposed use.]

| |
|---|
| Reason for amendments: [Zoning] |
| 1. Addition of Type 2 Waiver standards for the Family Community Residence, Transitional Community Residence, a Recovery Community, or Congregate Living Facility when the Applicant cannot meet the requirements for Location, Licensing/Certification is not available from the State, or the number of residents exceeds the maximum <u>allowed as of right</u> . The Zoning Commission would make a recommendation to the Board of County Commissioners based on whether the request meets the standards and the Board of County Commissioners would make the final decision. These Waivers and standards are to provide a procedure for Reasonable Accommodation. |
| 2. |
| 32. A Type 2 Waiver for a Family Community Residences, Transitional Community Residence, and Recovery Community is to demonstrate financial viability. [RENUMBER ACCORDINGLY] |

1 **CHAPTER B PUBLIC HEARING PROCESSES**

2

3 **Section 7 Types of Applications**

4

5 **D. Type 2 Waiver**

6 **1. Purpose**

7 A Type 2 Waiver is to allow flexibility for mixed use or infill redevelopment projects, or
 8 architectural design, site design or layout, where alternative solutions can be allowed, subject
 9 to performance criteria or limitations. Type 2 Waivers are not intended to ~~relieve specific~~
 10 ~~financial hardship demonstrate financial viability, except for a Family Community Residences~~

11 ~~Transitional Community Residence, or Recovery Community, pursuant to the Standards~~
12 ~~described below,~~ nor circumvent the intent of this Code. A Type 2 Waiver may not be granted
13 if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016]
14 [Ord. 2012-027] [Ord. 2018-002]

27 **5. Standards for Community Residences, Recovery Communities, or Congregate Living**
28 **Facilities**

38 **a) Family Community Residence or Transitional Community Residence**

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Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 5, page 452, lines 1-17, Art. 2.C.8.A.4. c. ZCL Response [Reason: To clarify that the provisional approval for the use to be six months. Typical approvals from the State , FARR, and Oxford House can be completed in 3 to 4 months.]

A. Zoning Confirmation Letter (ZCL)

2. Types of ZCL

c. Confirmation for a Community Residences, Recovery Communities or Congregate Living Facility

Within 30 days after the date the request is deemed sufficient for review, the DRO shall provide a response to the Applicant. During the review, the Applicant may be required to submit additional information to assist in preparing the response. Resubmittal of information will restart the response period. Upon demonstration that the use and site can comply with the requirements, the site shall be issued ~~given~~ a provisional approval. The Applicant shall provide ~~pending~~ proof of final licensure or certification from the State of Florida, or approval Oxford House Charter ~~by the State or the~~ within six months of the provisional approval. A written request for a time extension to the Zoning Director may be requested if the Applicant is unable to obtain its appropriate license, certification, or charter within the six-months. The provisional approval will advise the Applicant that Type 2 Waiver(s) may be required, if approvals from the State are not completed prior to other Community Residences, Recovery Communities, or Congregate Living Facilities are approved during the same timeframe, and impact the location requirements pursuant to Art. 4.B.1.C.1, Congregate Living Facility, 4.B.1.C.3, Family Community Residence, Art. 4.B.1.C.9, Transitional Community Residence and 4.B.1.C.6, Recovery Community, Location requirements. Upon receipt of the license, certification, or charter the Applicant shall provide the Zoning Division proof of licensure, certification, or charter. The Applicant shall on an annual basis, provide proof of the valid license, certification, or charter. Failure to provide proof of final licensure or certification from the State of Florida, or an Oxford House Charter will result in revocation of the provisional approval for the use.

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 12, page 553, lines 1-17, Art. 4.B.1.C.1.3) Type2 Waiver [Reason: To add to allow a waiver for reference for Oxford House Charter when one is not eligible.]

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

3. Family Community Residence

c. Approval Process

3) Type 2 Waiver

A Family Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following:
a) Art. 4.B.1.C.3.d.1), Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences or a the Family Community Residence is not eligible for an Oxford House Charter. This does not apply when the Family Community Residence has been denied a license ~~or~~ certification, or Oxford House Charter, or it has been revoked;

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 12, page 556-557, lines 23-25, page 558 lines 19-30, and page 559 Lines 17 to 25 Art. 4.B.1.C.9.b [Reason: To modify addiction with substance abuse disorder. To remove reference for Oxford house and their charters as an Oxford House is a type of Family Community Residence and not a Transitional Community Residence]

7 CHAPTER B USE CLASSIFICATION

8 Section 1 Residential Uses

9
10 C. Definitions and Supplementary Use Standards for Specific Uses
11

12 9. Transitional Community Residence

13
14 b. Typical Uses

15 Typical uses shall conform to the definition, with less than one year of tenancy, and include
16 but are not limited to the following:

17 1) Halfway houses for people with disabilities that emulate a family, including people with
18 illness, ~~addiction~~ substance abuse disorder, physical disabilities, or mental illness;

19
20 d. Licensing, Certification, or Charter

21 1) A Transitional Community Residence shall be licensed or certified by one of the
22 licensing entities referenced in F.S. § 419.001, § 397.311, or § 397.487; ~~or obtain a~~
23 ~~charter for an Oxford House,~~ as follows:

24 a) The appropriate available license or certification that the State of Florida or Florida
25 Association of Recovery Residences, offers or requires to operate the proposed
26 Transitional Community Residence, including any provisional license or
27 certification issued prior to granting a full license or certification pursuant F.S. §
28 419.001, § 397.311, or § 397.487.

29 ~~b) A “conditional” Oxford House Charter within 30 calendar days of the date on which~~
30 ~~the first individual occupies the Oxford House and a “permanent” Oxford House~~
31 ~~Charter within 180 calendar days after the “conditional” charter was issued....~~

32
33 g. Revocation

34 An operator must provide evidence of license, ~~or certificate, or Charter~~ within the 12 month
35 Zoning Confirmation Letter for Transitional Community Residence, as issued. An operator,
36 who is unable to provide licensure, ~~or certification, or Charter~~ or where a license, ~~or~~
37 certificate, ~~or Charter~~ was denied, revoked, or suspended, shall not be allowed to operate
38 in PBC and the Transitional Community Residence Zoning Confirmation Letter shall
39 become null and void. Such an operator shall cease operation and vacate the premises
40 within 60 calendar days and shall either return residents to their families or relocate them
41 to a safe and secure living environment.



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY APRIL 22, 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**

APRIL 22, 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

1. [PDD/DOA-2020-00268](#) Title: an Official Zoning Map Amendment application of Tuscan Gardens Of Delray Beach Properties, LLC by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Development Order Amendment to a Planned Development District and a Requested Use of Tuscan Gardens Of Delray Beach Properties, LLC by WGINC, Agent. Request: to reconfigure the Master Plan and Site Plan; add land area; add residents/beds; and, modify Conditions of Approval.

General Location: West side of Sims Road, approximately 0.5 miles north of Atlantic Avenue. **(Tuscan Gardens of Delray Beach)** (Control 2005-00506)

Pages: 1 - 2

Project Manager: Travis Goodson

Size: 12.78 acres ±

BCC District: 5

Staff Recommendation: Staff recommends a postponement to Thursday, May 27, 2021.

Zoning Commission Recommendation: Postponed to May 6, 2021 by a vote of 9-0-0.

MOTION: To postpone to Thursday, May 27, 2021.

2. [Z/W-2020-01272](#) Title: an Official Zoning Map Amendment application of Luca Land, LLC, Southport Financial Services, Inc. by Schmidt Nichols, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) and Multifamily Residential (RM) Zoning Districts to the Urban Infill (UI) Zoning District.

Title: a Type 2 Waiver of Luca Land, LLC, Southport Financial Services, Inc. by Schmidt Nichols, Agent. Request: to eliminate Slip Street Frontage; allow the facade with the shortest length to be considered the front; to allow a parking structure on a secondary frontage without screening by habitable uses; allow bonus height (an additional floor) for a building in compliance with Green Building Incentive Program; and, reduce the number of bicycle parking spaces.

General Location: Southeast corner of South Military Trail and Maine Street. **(Southport Grove)** (Control 1971-10014)

Pages: 3 - 4

Project Manager: Timothy Haynes

Size: 1.80 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to Thursday, May 27, 2021.

Zoning Commission Recommendation: Postponed to May 6, 2021 by a vote of 9-0-0.

MOTION: To postpone to Thursday, May 27, 2021.

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

- 3. **Z-2020-01508** Title: an Official Zoning Map Amendment application of Autumn Ridge, LLC, Vythiya Tum & Trust by Schmidt Nichols, Agent. Request: to allow a rezoning from the Multifamily Residential (RM) Zoning District to the General Commercial (CG) Zoning District.

General Location: East side of North Congress Avenue approximately 625 feet north of Cherry Road and 885 feet south of Westgate Ave. **(Autumn Ridge Apartments)** (Control 2020-00152)

Pages: 5 - 28

Conditions of Approval (10 - 11)

Project Manager: Ryan Vandenburg

Size: 1.23 acres ±

BCC District: 2

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 by a vote of 9-0-0.

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

4. [ZV/CA-2020-01844](#) Title: a Class A Conditional Use application of BGTG Properties LLC, The Busch Wildlife Sanctuary Foundation, Inc. by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow Institutional Nonprofit Assembly.

General Location: Southwest corner of Indiantown Road and Rocky Pines Road. **(The Busch Wildlife Sanctuary Foundation)** (Control 2019-00070)

Pages: 29 - 50

Conditions of Approval (35 - 37)

Project Manager: Ryan Vandenburg

Size: 19.46 acres ±

BCC District: 1

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 by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

MOTION: To adopt a Resolution approving a Class A Conditional use to allow Institutional Nonprofit Assembly, subject to the Conditions of Approval as indicated in Exhibit C-2.

5. [CA-2020-01215](#) Title: a Class A Conditional Use application of Moore Florida Property Investment, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Type 2 Congregate Living Facility.

General Location: North side of Northlake Boulevard, approximately 1,100 feet west of Grapeview Boulevard. **(Memory Care at the Acreage)** (Control 2017-00042)

Pages: 51 - 76

Conditions of Approval (57 - 59)

Project Manager: Travis Goodson

Size: 1.60 acres ±

BCC District: 6

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 9-0-0.

MOTION: To adopt a Resolution approving a Class A Conditional Use for a Type 2 Congregate Living Facility, subject to the Conditions of Approval as indicated in Exhibit C.

6. [PDD/DOA-2020-01701](#) Title: an Official Zoning Map Amendment application of G.L. Homes of Palm Beach Associates, Ltd., Isabel Tomas, Janice Sellars, Twin States Land Holdings, LLC, Carly Landco, Inc., RND Landholdings, LLC, Elton Sellars, Amy Belcher, Gasper Tomas by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment of G.L. Homes of Palm Beach Associates, Ltd., Isabel Tomas, Janice Sellars, Twin States Land Holdings, LLC, Carly Landco, Inc., RND Landholdings, LLC, Elton Sellars, Amy Belcher, Gasper Tomas by G.L. Homes, Agent. Request: to modify the Master Plan to add and delete land area (Preserves); amend a recorded Conservation Easement for Preserve Area No. 2; to allow the Partial Release of the Conservation Easement for Preserve Area No. 2; and, modify Conditions of Approval.

General Location: Development Area: On the east side of Lyons Road, approximately 0.25 miles south of Boynton Beach Boulevard; generally bounded by Acme Dairy Road, Lyons Road, LWDD L-25 Canal on the north (partial), and LWDD L-26 Canal to the south. Location of Preserve Areas identified in Staff Report. **(Canyon Lakes AGR-PUD)** (Control 2002-00067)

Pages: 77 - 148

Conditions of Approval (84 - 100)

Project Manager: Ryan Vandenburg

Size: 543.69 acres ±

BCC District: 5,6

(affected area 53.37 acres ±)

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District, subject to the Condition of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Master Plan to add and delete land area (Preserve); amend a recorded Conservation Easement for Preserve Area No. 2; to allow the Partial Release of the Conservation Easement for Preserve Area No. 2; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

- 7. **Z-2020-01700** Title: an Official Zoning Map Amendment application of 9231 155th Lane, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District.

General Location: Southeast corner of 155th Lane South and Half Mile Road, approximately 0.45 miles west of Lyons Road. **(155th Lane Rezoning)** (Control 2020-00145)

Pages: 149 - 164

Conditions of Approval (153 - 153)

Project Manager: Ryan Vandenburg

Size: 10.12 acres ±

BCC District: 5

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

MOTION: To adopt a Resolution for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

- 8. **Z-2020-01699** Title: an Official Zoning Map Amendment application of G.L. Homes of Palm Beach Associates, Ltd. by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District.

General Location: West side of State Road 7, approximately 0.5 miles north of Clint Moore Road and 2 miles south of Atlantic Avenue. **(Hyder West Rezoning)** (Control 2020-00141)

Pages: 165 - 180

Conditions of Approval (172 - 172)

Project Manager: Ryan Vandenburg

Size: 16.57 acres ±

BCC District: 5

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

MOTION: To adopt a Resolution for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

- 9. **Z-2020-01715** Title: an Official Zoning Map Amendment application of Solid Waste Authority, Palm Beach County by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and Residential Estate (RE) Zoning Districts to the Public Ownership (PO) Zoning District.

General Location: North side of Lantana Road, approximately 0.40 miles east of State Road 7/US 441. **(PBC Mosquito Control Complex Redevelopment)** (Control 1983-00090)

Pages: 181 - 190

Conditions of Approval (186 - 186)

Project Manager: Brenya Martinez

Size: 92.80 acres ±

BCC District: 3

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 5-0-3.

Board of County Commissioners Recommendation: At the March 25, 2021 Hearing, the Board of County Commissioners approved on first reading an Official Zoning Map Amendment by a vote of 5-0-0.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) and Residential Estate (RE) Zoning Districts to the Public Ownership (PO) Zoning District, subject the Condition 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

10. [LGA-2021-00006](#) Title: Plaza Delray, Large Scale Future Land Use Amendment application of Pebb Atlantic LLC by WGI Inc., Agent. Request: To change a future land use designation from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR).

General Location: South side of Atlantic Avenue, approximately 725 feet east of Lyons Road. **(Plaza Delray)** (Control 2016-00078)

Pages: 191 - 222

Conditions of Approval (198 - 198)

Project Manager: Stephanie Gregory

Size: 0.33 acres ±

BCC District: 5

Staff Recommendation: Approval of the proposed amendment to change the Future Land Use designation from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR).

Planning Commission Recommendation: PLC Recommended Approval with Conditions in a 13 to 0 vote at the Jan. 8, 2021 Public Hearing.

BCC Transmitted by a 7 to 0 vote at the Jan. 25, 2021 Public Hearing.

MOTION: To adopt an Ordinance for the Plaza Delray amendment.

11. [PDD/DOA-2020-01117](#) Title: an Official Zoning Map Amendment application of Pebb Atlantic LLC by WGINC, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.
Title: a Development Order Amendment of Pebb Atlantic LLC by WGINC, Agent. Request: to reconfigure the Site Plan to add land area and parking spaces; reconfigure building and Type 2 Restaurant square footage; and, reduce overall square footage.
General Location: South side of Atlantic Avenue, approximately 415 feet east of Lyons Road. (**Plaza Delray**) (Control 2016-00078)

Pages: 223 - 256

Conditions of Approval (230 - 234)

Project Manager: Timothy Haynes

Size: 4.83 acres ±

BCC District: 5

DISCLOSURE

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Condition of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan to add land area and parking spaces; reconfigure building and Type 2 Restaurant square footage; and, reduce overall square footage, subject to the Conditions of Approval as indicated in Exhibit C-2.

12. [LGA-2021-00010](#) Title: Fields of Gulfstream, Large Scale Future Land Use Amendment application of Divosta Homes LP - Patrick Gonzales by JMorton Planning & Landscape Architecture, Agent. Request: To revise Conditions of Approval adopted by Ordinance 2016-025.

General Location: South of Lake Worth Road at Polo Club Road (**Fields at Gulfstream Polo PUD**) (Control 2005-00594)

Pages: 257 - 324

Conditions of Approval (266 - 266)

Project Manager: Lisa Amara

Size: 207.93 acres ±

BCC District: 6

Staff Recommendation: Approval of the proposed amendment to revise Conditions of Approval adopted by Ordinance 2016-025.

Planning Commission Recommendation: PLC recommended Approval of Applicant's request in a vote of 8-5 at the Oct. 9, 2020 Public Hearing.

BCC Transmitted Staff recommendation by a vote of 6-0 at the Oct. 28, 2020 BCC Public Hearing.

MOTION: To adopt an Ordinance for the Fields of Gulfstream amendment.

13. [DOA-2020-00775](#) Title: a Development Order Amendment application of Divosta Homes by Urban Design Kilday Studios, Agent. Request: to modify the Master Plan; and, to delete land area and units.

General Location: East and west sides of Polo Road, approximately 700 feet south of Lake Worth Road (also partially bounded by 47th Place South and the Lake Worth Drainage District (LWDD) Canal to the south, and Hooks Road and the LWDD E-2W Canal/Florida's Turnpike to the east). **(Fields at Gulfstream Polo PUD)** (Control 2005-00594)

Pages: 325 - 370

Conditions of Approval (333 - 344)

Project Manager: Ryan Vandenburg

Size: 221.56 acres ±

BCC District: 6

DISCLOSURE

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 Development Order Amendment by a vote of 7-0-0.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Master Plan; and, to delete land area and units, subject to the Conditions of Approval as indicated in Exhibit C.

14. [LGA-2021-00005](#) Title: a Large Scale Future Land Use Amendment application of Haley Farms LLC, Dears Farm LLC, Palm Tree Farms LLC, Divosta Homes, Homes Divosta by JMorton Planning & Landscape Architecture, Agent. Request: Parcel A: Commercial High, with underlying 2 units per acre(CH/2) on 8.83 acres and Medium Residential, 5 units per acre (MR-5) on 16.96 acres to Multiple Land Use with an underlying Commercial High and 5 units per acre(MLU/CH/5) on 25.79 acres with conditions.

General Location: South side of Lake Worth Road, approximately 0.3 miles from Florida Turnpike and East and West sides of Polo Club Road, south of Lake Worth Road. **(Polo Gardens MLU)** (Control 2013-00296)

Pages: 371 - 438

Conditions of Approval (380 - 380)

Project Manager: Lisa Amara

Size: 25.79 acres ±

BCC District: 6

Staff Recommendation: Approval of the proposed amendment to change the Future Land Use designation from Commercial High with an underlying Low Residential, 2 units per acre (CH/2) on 8.83 acres and Medium Residential, 5 units per acre (MR-5) on 16.97 acres to Multiple Land Use (MLU, CH/5) on 25.79 acres.

Planning Commission Recommendation: PLC recommended Approval of Applicant's request in a vote of 8-5 at the Oct. 9, 2020 Public Hearing.

BCC Transmitted staff recommendation by a vote of 6-0 at the Oct. 28, 2020 BCC Public Hearing.

MOTION: To adopt an Ordinance for the Polo Gardens MLU amendment.

15. [ZV/PDD/CA-2020-00788](#) Title: an Official Zoning Map Amendment application of Haley Farms LLC, Dears Farm LLC, Palm Tree Farms LLC, Divosta Homes by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Residential Transitional (RT) and Planned Unit Development (PUD) Zoning Districts to the Multiple Use Planned Development (MUPD) District.

Title: a Class A Conditional Use of Haley Farms LLC, Dears Farm LLC, Palm Tree Farms LLC, Divosta Homes by JMorton Planning & Landscape Architecture, Agent. Request: to allow a Transfer of Development Rights (TDR); a Workforce Housing Program (WHP) Density Bonus greater than 50 percent; and, a Type 1 Restaurant with Drive-through.

General Location: Southeast corner of Lake Worth Road and Polo Club Road. (**Polo Gardens MUPD**) (Control 2013-00296)

Pages: 439 - 504

Conditions of Approval (453 - 464)

Project Manager: Ryan Vandenburg

Size: 25.79 acres ±

BCC District: 6

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 6-0-1.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-1.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 6-0-1.

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

MOTION: To adopt a Resolution approving a Class A Conditional Use for a Type 1 Restaurant with Drive-through, 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 Transfer of Development Rights (TDR), subject to the Conditions of Approval as indicated in Exhibit C-4.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a Workforce Housing Program (WHP) Density Bonus greater than 50 percent, subject to the Conditions of Approval as indicated in Exhibit C-5.

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

16. [DOA-2019-02323](#) Title: a Development Order Amendment application of West Atlantic Business Plaza LLC by JMorton Planning & Landscape Architecture, Agent. Request: to reconfigure the Site Plan; delete square footage; modify uses; and, modify Conditions of Approval.

General Location: South side of Atlantic Avenue, approximately 0.22 miles east of State Road 7/US 441. (**West Atlantic Business Plaza**) (Control 2016-00130)

Pages: 505 - 530

Conditions of Approval (512 - 516)

Project Manager: Ryan Vandenburg

Size: 10.53 acres ±

BCC District: 5

DISCLOSURE

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 Development Order Amendment by a vote of 8-0-1.

MOTION: To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan; delete square footage; modify uses; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C.

K. COMPREHENSIVE PLAN TEXT AMENDMENTS**L. ULDC AMENDMENTS**

17. [Title: REQUEST FOR PERMISSION TO ADVERTISE - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT FOR COMMUNITY RESIDENCES, RECOVERY COMMUNITIES, CONGREGATE LIVING FACILITIES, AND SKILLED NURSING AND RESIDENTIAL TREATMENT FACILITIES](#)

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. 1-7, Community Residences, Recovery Communities, Congregate Living Facilities and Skilled Nursing and Residential Treatment Facilities.

Pages: 531 - 568

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of the ULDC Amendment for Community Residences, Recovery Communities, Congregate Living Facilities, and Skilled Nursing and Residential Treatment Facilities for May 27, 2021.

Land Development Regulation Advisory Board (LDRAB): On March 24, 2021, the LDRAB recommended approval of the proposed amendment with a vote of 16-0.

Land Development Regulation Commission (LDRC) Determination: On March 24, 2021, the LDRC found the proposed ULDC amendment to be consistent with the Comprehensive Plan with a vote of 16-0.

MOTION: To approve the Request for Permission to Advertise for First Reading of the ULDC Amendment for Community Residences, Recovery Communities, Congregate Living Facilities and Skilled Nursing and Residential Treatment Facilities. , for May 27, 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 G, DECISION MAKING BODIES; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); ARTICLE 4- USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY USES AND STRUCTURES; CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6- PARKING, LOADING, AND CIRCULATION: CHAPTER B, PARKING AND LOADING; ARTICLE 7- LANDSCAPING: CHAPTER B, APPLICABILITY AND APPROVAL PROCESS; CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS; 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

18. Title: Generators at Retail Gas and Fuel Facilities

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT