



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
September 29, 2021**

AGENDA

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

CONSENT AGENDA

E. ZONING APPLICATIONS - NEW

| | | | |
|-----------|-------------|-------------------------------------|-----------------------------------|
| 3. | (24) | ZV/Z-2021-00100 (2021-00019) | W.E. Schlechter & Sons |
|-----------|-------------|-------------------------------------|-----------------------------------|

DELETE All Petitions Condition of Approval Number 1 of Exhibit C-2:

~~1). The approved Preliminary Site Plan is dated July 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)~~

DELETE Site Design Condition of Approval Number 1 and 2 of Exhibit C-2:

~~1). Prior to Final Approval by the Development Review Officer, the Preliminary Site Plan shall be revised to relabel the Bullpen Storage along the northwest corner of the proposed Building to Outdoor Display Area. In addition, the Bullpen Storage Area located on the east side of the north-south 25-foot drive-aisle shall be screened by either an opaque fence, wall or landscape hedge a minimum of six feet high. (DRO: ZONING - Zoning)~~

~~2). Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to remove all references to the Variance request for the elimination of Canopy Trees. (DRO: ZONING - Zoning)~~

REGULAR AGENDA

J. ZONING APPLICATIONS - NEW

| | | | |
|-----------|----------------|------------------------------------|--------------------------|
| 6. | (91-92) | PDD-2021-00631 (2021-00031) | Whitworth AGR-PUD |
|-----------|----------------|------------------------------------|--------------------------|

AMEND Planning Condition 2.d of Exhibit C, to read as follows:

d. The amount of landscape material in the ~~Atlantic and Lyons Preserve parcel P9B portion of the Lyons Road~~ Rural Parkway, when adjacent to a preserve, may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area, will still be required in the ~~Atlantic and Lyons Preserve parcel P9B portion of the Lyons Road~~ Rural Parkway adjacent to the Development Area.

COMMENTS

C. PLANNING DIRECTOR COMMENTS

11. (Agenda Pg. 10)

**Amber Woods FLUA
Application Processing
Consideration**

The applicant has withdrawn the Future Land Use Amendment that prompted this agenda item. Therefore, this item is withdrawn.



September 27, 2021

Lisa Amara
Zoning Division Director
2300 N. Jog Rd., 2nd Floor
West Palm Beach, FL 33411

RE: FORMAL REQUEST FOR APPLICATION WITHDRAWAL– Amber Woods – Z/CA-2021-00117

Mrs. Amara,

Please let this letter serve as a formal request to withdraw Application Z/CA-2021-00117 associated with the Amber Woods from the Palm Beach County Board of County Commission (BCC). The Applicant does not seek to continue the processing of the Zoning application.

Application Name: Amber Woods
Application No: Z/CA-2021-00117
Control No: 1974-00037

Please note there is a concurrent LGA application (LGA-2022-005), which is requested to be withdrawn as well.

Should you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Lindsay Libes". The signature is written in a cursive, flowing style.

WGI, Inc.
Lindsay Libes, AICP
PLACE Operations Director

Cc: Wendy N. Hernandez | Deputy Zoning Director
 Ryan Vandenburg, Senior Site Planner
 Brenya Martinez, Site Planner II



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

WEDNESDAY, SEPTEMBER 29, 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**

SEPTEMBER 29, 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. [DOA-2020-00761](#) Title: a Development Order Amendment application of Grillo Golf Management LLC, Mattamy Homes by Design and Entitlement Consultants LLC., Agent. Request: to modify the Master Plan; add units; and, add access points.

General Location: South side of Lake Worth Road, approximately 0.75 miles east of Florida Turnpike. Affected area includes all existing Golf Course lands within the Lucerne Lakes PUD. (**Forest Oaks Residential**) (Control 1970-00009)

Pages: 1 - 2

Project Manager: Ryan Vandenburg

Size: 273.50 acres ±

BCC District: 2

(affected area 79.01 acres ±)

Staff Recommendation: Staff recommends a postponement to Thursday, October 28, 2021.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 6-1-0.

MOTION: To postpone to Thursday, October 28, 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

- 2. [CA-2021-00114](#) Title: a Class A Conditional Use application of Bachrodt Riviera Property LLC by Schmidt Nichols, Agent. Request: to allow Heavy Vehicle or Equipment Sales and Rental.

General Location: Northeast corner of Byron Drive, approximately 225 feet west of Enterprise Drive. (**Bachrodt Truck Sales & Service**) (Control 2017-00124)

Pages: 3 - 18

Conditions of Approval (8 - 9)

Project Manager: Timothy Haynes

Size: 2.87 acres ±

BCC District: 7

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 8-0-0.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow Heavy Vehicle or Equipment Sales and Rental, subject to the Conditions of Approval as indicated in Exhibit C.

- 3. [ZV/Z-2021-00100](#) Title: an Official Zoning Map Amendment application of Eleanor Schlechter, J O Schlechter by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District.

General Location: East side of State Road 715, approximately 0.33 miles north of NW Avenue P. **(W.E. Schlechter & Sons)** (Control 2021-00019)

Pages: 19 - 40

Conditions of Approval (24 - 25)

Project Manager: Brenya Martinez

Size: 40.00 acres ±

BCC District: 6

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-2.

Zoning Commission Recommendation: Denied a Type 2 Variance by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-0-0.

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 a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C-2.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

- 4. [ABN/CB-2020-01702](#) Title: a Development Order Abandonment application of Westgate Centre LLC by Dunay Miskel and Backman LLP, Agent. Request: to abandon a Class A Conditional use for an office/warehouse in the General Commercial Zoning District.

General Location: South side of Westgate Avenue, approximately 0.25 miles east of Military Trail. **(Museo Vault)** (Control 2003-00096)

Pages: 41 - 44

Project Manager: Timothy Haynes

Size: 1.43 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the request.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 8-0-0.

Zoning Commission Recommendation: Adopted a Class B Conditional Use (with conditions) by a vote of 8-0-0.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Class A Conditional use for an office/warehouse in the General Commercial Zoning District.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

J. ZONING APPLICATIONS - NEW

5. [ABN/DOA/CA-2021-00442](#) Title: a Development Order Amendment application of Temple Shaarei Shalom, Inc. by Land Research Management Inc., Agent. Request: to modify the Master Plan; and, to add uses.

Title: a Class A Conditional Use of Temple Shaarei Shalom, Inc. by Land Research Management Inc., Agent. Request: to allow a Elementary or Secondary School (Private); and, to allow a General Daycare.

General Location: West side of Hagen Ranch Road, approximately 0.3 miles south of Gateway Boulevard. **(Temple Shaarei Shalom)** (Control 1997-00078)

Pages: 45 - 82

Conditions of Approval (51 - 66)

Project Manager: Donna Adelsperger

Size: 247.43 acres \pm

BCC District: 3

(affected area 4.41 acres \pm)

DISCLOSURE

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

Zoning Commission Recommendation: Adopted a Development Order Abandonment 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 2 Class A Conditional Uses by a vote of 8-0-0.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Master Plan; and, to add uses, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a Elementary or Secondary School (Private), 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 General Daycare, subject to the Conditions of Approval as indicated in Exhibit C-3.

6. [PDD-2021-00631](#) Title: an Official Zoning Map Amendment application of John Whitworth, G.L. Acquisitions Corporation - Gladys DiGirolamo by G.L. Homes, Agent. Request: to allow a rezoning from Agricultural Reserve (AGR) District to Agricultural Reserve-Planned Unit Development (AGR-PUD) District. General Location: West side of Lyons Road, approximately 1 mile south of Boynton Beach Boulevard. (**Whitworth AGR-PUD**) (Control 2021-00031)

Pages: 83 - 124

Conditions of Approval (90 - 94)

Project Manager: Timothy Haynes

Size: 362.71 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 an Official Zoning Map Amendment by a vote of 7-0-0.

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

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. ULDC AMENDMENTS

7. [Title: REQUEST FOR PERMISSION TO ADVERTISE - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT FOR LAKE WORTH DRAINAGE DISTRICT CANALS AS 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. 3, Lake Worth Drainage District Canals as Preserve Areas

Pages: 125 - 130

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for Final Adoption of a ULDC Amendment for Lake Worth Drainage District Canals as Preserve Areas on November 3, 2021.

Land Development Regulation Advisory Board (LDRAB): On August 25, 2021, the LDRAB recommended approval of the proposed ULDC amendment with a vote of 12-1.

Land Development Regulation Commission (LDRC) Determination: On August 25, 2021, the LDRC found the proposed ULDC amendment to be consistent with the Plan with a vote of 13-0.

MOTION: To approve the Request for Permission to Advertise for Final Adoption of a ULDC Amendment for Lake Worth Drainage District Canals as Preserve Areas on November 3, 2021: ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); 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.

- 8. [PIA-2020-02168](#) Title: a Privately Initiated Code Amendments (Non Site Specific) application of Lazy Dog Restaurants, LLC - Jackie Hodge by Golden Property Development LLC, Agent. Request: Creation of a Palm Beach County code/ordinance to allow "doggie dining" within Palm Beach County in response to State of Florida Department of Business and Professional Regulation (DBPR) Code Section F.S 509.233.

Pages: 131 - 140

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends to approve the Request for Permission to Advertise for the proposed ULDC amendments as presented.

Staff supports Phase 2 of this PIA request, as this amendment would follow the guidance provided within F.S. § 509.233, and incorporate required ULDC provisions, in order to allow dog friendly dining within designated outdoor dining areas of Type 1 and Type 2 Restaurants.

LDRAB Recommendation and LDRC Determination: LDRAB/LDRC presentation is scheduled for September 22, 2021. Recommendation and Determination have not been finalized at time of BCC Agenda publication and will be presented to BCC accordingly on September 29, 2021.

MOTION: To approve the Request for Permission to Advertise for First Reading of a ULDC Privately Initiated Amendment for Dog Friendly Dining on October 28, 2021: 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.

M. OTHER ITEMS

END OF REGULAR AGENDA

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

D. ADMINISTRATION

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

9. [Title: Banyan Ridge PUD Amended Workforce Housing Covenant](#)

The Item before the Board of County Commissioners (BCC) is to approve and authorize the Mayor to execute the first Amendment to the Master Declaration of Restrictive Covenants for Workforce Housing for Banyan Ridge PUD. This action will delete the 90 day window for Right of First Refusal should the property foreclose.

Pages: 141 - 160

Project Manager: Patricia Behn

MOTION: To approve and authorize the Mayor to execute the first Amendment to the Master Declaration for Workforce Housing.

10. [Title: Gulfstream Preserve Amended Settlement Agreement](#)

The item before the Board of County Commissioners (BCC) is a request for the Board to approve the Third Amendment to the Settlement Agreement Entered Into Between Palm Beach County and Lennar Homes on December 18, 2018. This amendment adds language permitting the pricing of WHP units in lower income categories, consistent with the current Workforce Housing Program

Pages: 161 - 166

Project Manager: Patricia Behn

MOTION: To approve and authorize Mayor to execute the Third Amendment to the Settlement Agreement.

11. [Title: Amber Woods FLUA Application Processing Consideration](#)

The Item before the Board is to allow the Amber Woods land use amendment application to proceed through the land use amendment process with a proposed Low Residential, 2 units per acre (LR-2) and Low Residential, 3 units per acre (LR-3) future land use designation. On May 5, 2021, the Board denied transmittal of the Amber Woods future land use amendment from Low Residential, 1 unit per acre (LR-1) to LR-3. The County's Comprehensive Plan, specifically the Introduction and Administration Element, states "When an application for a future land use designation change has been denied by the Board of County Commissioners (BCC), the same property may not be heard for the same change in future land use for a period of two years unless otherwise specified by the BCC." Therefore, approval of this item would allow the amendment application to proceed through the land use amendment process without waiting a period of two years after denial of an amendment by the BCC. A complete staff report with data and analysis would return to the Board for consideration at subsequent public hearings. This action does not obligate the Board to future action.

Pages: 167 - 168

Project Manager: Patricia Behn

MOTION: To authorize/deny the processing and consideration of a comprehensive plan amendment pursuant to language in the Introduction and Administration Element of the Comprehensive Plan, allowing consideration of the same change in future land use without waiting for a period of two years after denial of an amendment by the Board of County Commissioners.

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT