



**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

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

**AGENDA**

<b><u>ITEM #</u></b>	<b><u>PAGE #</u></b>	<b><u>APPLICATION AND CONTROL #S</u></b>	<b><u>APPLICATION NAME</u></b>
<b>F.</b>			<b>LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS</b>

<b>3.</b>	<b>(77-106)</b>	<b>EAC-2021-00810 (2005-00394)</b>	<b>Arden PUD</b>
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**AMEND** PROPERTY & REAL ESTATE MANAGEMENT Conditions 2 and 3 of Exhibit C, to read as follows:

2...Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - Property Real Estate Management) Note: COMPLETED (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2020-1626, Control No.2005-00394)

3...If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: MONITORING - Property Real Estate Management) Note: COMPLETED (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2020-1626, Control No.2005-00394)

**J. ZONING APPLICATION – NEW**

<b>5.</b>	<b>(107-342)</b>	<b>DOA-2020-00761 (1970-00009)</b>	<b>Forest Oaks Residential</b>
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**AMEND** LANDSCAPE – PERIMETER POD B Condition 3 of Exhibit C, to read as follows:

3. The landscape buffer along the south property line of the northern portion of Pod B, abutting the existing residential Pod Phase IIA within P.B. 33, pages 31-32 as identified on PMP-1, shall be maintained as a Type 2 Incompatibility Buffer, with exception to the 10 ft. Type 1 Incompatibility Buffer identified to the west of the 0.61-acre Neighborhood Park/Preserve Area (see Landscape Perimeter Condition 11.b). In addition to the required planting of the Type 2 buffer, the following shall be provided:

- a. minimum 2 foot high continuous berm; and,
- b. a minimum 6 foot high continuous opaque hedge. (BLDG/PMT/ONGOING: ZONING - Zoning)

**AMEND** LANDSCAPE – PERIMETER Condition 11 of Exhibit C, to read as follows:

11. Prior to final approval by the Development Review Officer, the following perimeter buffering shall be provided as follows:

**POD B:**

- a. to the west of the 1.34-acre Water Management Tract, a 15 ft. Type 2 Incompatibility Buffer shall be provided where a break is shown in the buffering on the PMP dated July 26, 2021; and,
- b. to the west of the 0.61-acre Neighborhood Park/Preserve Area, the identified 10 ft. Type 1 Incompatibility Buffer (approximately 200 ft. in length) shall be revised to provide for a 15 ft. Type 2 Incompatibility Buffer provide the planting requirements of a Type 2 Incompatibility Buffer. The 10 ft. width shall be maintained. No berming shall be provided within this area.

**ADD LANDSCAPE – PERIMETER** Condition 13 of Exhibit C, to read as follows:

13. In the event that a Water Management Tract (Dry Detention Area) as identified on a PMP is revised to a Lake or Canal, the Landscape Buffer adjacent to that area may be relocated to the internal R-O-W. (ONGOING: ZONING – Zoning)

**DELETE SITE DESIGN** Condition 4 of Exhibit C.



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**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**THURSDAY OCTOBER 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/](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**

**OCTOBER 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**

1. [ABN/ZV/PDD/CA-2019-01808](#) Title: a Development Order Abandonment application of BASM 11, LLC, Northlake Coconut Property, LLC by Schmidt Nichols, Agent. Request: to abandon a Conditional Overlay Zone (COZ).

Title: an Official Zoning Map Amendment of BASM 11, LLC, Northlake Coconut Property, LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Public Ownership (PO) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Class A Conditional Use of BASM 11, LLC, Northlake Coconut Property, LLC by Schmidt Nichols, Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.

General Location: Southeast corner of Northlake Boulevard and Coconut Boulevard. **(Coconut Palm Plaza)** (Control 2001-00075)

Pages: 1 - 2

Project Manager: Imene Haddad

Size: 11.24 acres ±

BCC District: 6

Staff Recommendation: Staff recommends postponement to November 22, 2021.

**MOTION:** To postpone to November 22, 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. [W-2020-01915](#) Title: a Type 2 Waiver application of Brightwork Real Estate, Inc., Local Union 728 Building Corp by Dunay Miskel and Backman LLP, Agent. Request: to reduce Priority Redevelopment Area (PRA) Block Building Property Development Regulations (PDRs); reduce minimum requirements for Fenestration, Storefronts and Greens; relocate the Primary Entrance from the primary frontage; allow access from an internal drive aisle in lieu of an Internal Street and Alley; and, increase the number of permitted freestanding signs.

General Location: South side of Summit Boulevard approximately 150 feet west of Military Trail. **(International Electrical Union)** (Control 1998-40143)

Pages: 3 - 38

Conditions of Approval (10 - 10)

Project Manager: Ryan Vandenburg

BCC District: 2

Size: 13.06 acres ±

(affected area 3.26 acres ±)

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 Type 2 Waiver by a vote of 8-0-0.

**MOTION:** To adopt a Resolution approving a Type 2 Waiver to reduce Priority Redevelopment Area (PRA) Block Building Property Development Regulations (PDRs); reduce minimum requirements for Fenestration, Storefronts and Greens; relocate the Primary Entrance from the primary frontage; allow access from an internal drive aisle in lieu of an Internal Street and Alley; and, increase the number of permitted freestanding signs, subject to 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-2022-00003](#) Title: Arden PUD, Large Scale Future Land Use Amendment application of Highland Dunes Associates Property LLC, Arden Homeowners Association, Inc. by Urban Design Studio, Agent. Request: To delete condition of approval adopted by Ordinance 2020-004. Condition 2 is being deleted as phasing of development is no longer required to comply with Test 2 based on the Concurrency/ Zoning Analysis and the Proportionate Share Agreement while retaining the future land use designation of Low Residential.

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

Pages: 39 - 76

Conditions of Approval (44 - 44)

Project Manager: Inna Stafeychuk

BCC District: 6

Size: 1,209.98 acres ±

Staff Recommendation: Approval with conditions of the proposed amendment to revise conditions of approval previously adopted by Ordinance 2020-004, on a site with Low Residential, 2 units per acre (LR-2) future land use designation.

Planning Commission Recommendation: Approval with conditions, with a vote of 14 to 0 at the July 9, 2021 public hearing.

BCC Transmittal Hearing: Transmit, passed in a 7 to 0 vote at the July 28, 2021 public hearing.

**MOTION:** To adopt an ordinance for the Arden PUD amendment.

4. [EAC-2021-00810](#) Title: a Development Order Amendment Expedited Application Consideration application of Highland Dunes Associates Property LLC, Arden Homeowners Association, Inc. by Urban Design Studio, Agent. Request: To adopt a Resolution approving a Development Order Amendment Expedited Application Consideration to modify Conditions of Approval.

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

Pages: 77 - 106

Conditions of Approval (83 - 98)

Project Manager: Imene Haddad

BCC District: 6

Size: 1,209.98 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 modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C.

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

### H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

### I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. [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: 107 - 342

Conditions of Approval (125 - 130)

Project Manager: Ryan Vandenburg

BCC District: 2

Size: 273.50 acres ±

(affected area 79.01 acres ±)

#### 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 6-1-0.

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



**J. ZONING APPLICATIONS - NEW****K. COMPREHENSIVE PLAN TEXT AMENDMENTS****6. [Title: Property Rights Element](#)**

This is a proposed text amendment to the Comprehensive Plan to add a Property Rights Element to implement new legislation from the previous legislative session and to amend the list of Comprehensive Plan Elements in the Introduction and Administration Element. House Bill 59 - Growth Management, was passed by the Legislature and signed by the Governor on June 29, 2021. As a result of this legislation, Chapter 163.3177(6), Florida Statutes was amended to add a Property Rights Element as one of the required elements for all local government Comprehensive Plans.

Pages: 343 - 350

Project Manager: Kevin Fischer

Staff Recommendation: Staff recommends approval.

Planning Commission Recommendation: Recommended Approval of the Property Rights Element by a vote of 14 to 0 on August 13, 2021.

Board of County Commissioners Action: Transmitted the Property Rights Element by a vote of 6 to 0 on August 26, 2021.

**MOTION:** To adopt an ordinance for the Property Rights Element.

**L. ULDC AMENDMENTS**

- 7. [PIA-2020-02168](#) Title:** a Privately Initiated Code Amendment (Non Site Specific) application of Lazy Dog Restaurants, LLC - Jackie Hodge by Golden Property Development LLC, Agent. Request: amend Article 4 of the ULDC in order to allow Dog Friendly Dining within designated outdoor dining areas for Type 1 and Type 2 Restaurants pursuant to F.S 509.233.

Pages: 351 - 360

Project Manager: Jeffrey Gagnon

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): On September 22, 2021, LDRAB recommended approval of the proposed ULDC amendment with a vote of 10-0.

Land Development Regulation Commission (LDRC) Determination: On September 22, 2021, the LDRC found the proposed ULDC amendment to be consistent with the Plan with a vote of 10-0.

BCC Public Hearing: On September 29, 2021, the BCC approved the Request for Permission to Advertise for Final Adoption on October 28, 2021, with a vote of 6-0.

**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.

- 8. [PIA-2020-01201](#) Title: a Privately Initiated Code Amendment (Non Site Specific) application of Boca Holdings, LLC - Steven Danza by WGINC, Agent. Request: PIA to adopt amendments to Articles 3 and 4 of the ULDC in order to allow a Hotel or Motel as a Class A Conditional Use within a Commercial Pod of a Planned Unit Development (PUD), and to provide an exception for a Hotel or Motel use to the existing PUD Commercial Pod restriction requiring that uses, provide professional services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD.

Pages: 361 - 382

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends BCC approval of the Request for Permission to Advertise for First Reading at the November 22, 2021 BCC Hearing.

Land Development Regulation Advisory Board (LDRAB): On September 22, 2021, LDRAB recommended approval of the proposed ULDC amendment with a vote of 10-0.

Land Development Regulation Commission (LDRC) Determination: On September 22, 2021, the LDRC found the proposed ULDC amendment to be consistent with the Plan with a vote of 10-0.

**MOTION:** To approve the Request for Permission to Advertise for First Reading at the November 22, 2021 BCC Hearing.

**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

9. [Title: Street Tree Presentation](#)

Presented by guest speakers:

- Professor Mark Hostetler, PhD  
University of Florida Department of Wildlife Ecology and Conservation
- Drew Martin  
Conservation Chair - Sierra Club, Loxahatchee Chapter

Pages: 383 - 400

#### C. PLANNING DIRECTOR

10. [Title: Windsong PUD Workforce Housing Covenant Amendment](#)

The Item before the Board is to approve and authorize the Mayor to execute the first Amendment to the Master Declaration of Restrictive Covenants for Workforce Housing for Windsong Estates Planned Unit Development (PUD). This amendment will permit the final disposition for 11 of the 18 required Workforce Housing obligation units to be provided off-site at three separate locations.

Pages: 401 - 416

Project Manager: Patricia Behn

Staff Recommendation: Staff recommends approval.

**MOTION:** To approve and authorize the Mayor to execute the first Amendment to the Master Declaration for Workforce Housing. Staff supports these changes.

11. [Title: Loxahatchee Battlefield National Register of Historic Places \(NRHP\) Nomination](#)

The Item before the Board is to approve and authorize the Mayor to sign a letter of support for the Loxahatchee Battlefield NRHP Nomination, and to transmit the report of the Historic Resources Review Board (HRRB) finding of eligibility to the Florida Department of State, Division of Historical Resources (also known as the State Historic Preservation Officer).

Pages: 417 - 472

Project Managers: Bryan Davis and Christian Davenport

Staff Recommendation: Staff recommends approval.

Historic Resources Review Board: Scheduled for October 15, 2021.

**MOTION:** To approve and authorize the Mayor to sign the letter of support supporting the nomination of the Loxahatchee Battlefield for inclusion in the National Register of Historic Places, and to transmit the letter and HRRB's report to the state.

**D. EXECUTIVE DIRECTOR**

**E. ASSISTANT COUNTY ADMINISTRATOR**

**F. COMMISSIONERS**

**ADJOURNMENT**