



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

MONDAY, NOVEMBER 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**

NOVEMBER 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. [CA-2021-01022](#) Title: a Class A Conditional Use application of Steven Cabral by Land Research Management Inc., Agent. Request: to allow a Limited Pet Boarding.

General Location: South side of 77th Place North, approximately 0.09 miles east of Hall Road. **(Fine Line Pet Boarding)** (Control 2019-00115)

Pages: 1 - 2

Project Manager: James Borsos

Size: 1.15 acres ±

BCC District: 6

Staff Recommendation: Staff recommends a postponement to Wednesday, December 15, 2021.

Zoning Commission Recommendation: Postponed to November 23, 2021 by a vote of 7-0-0.

MOTION: To postpone to Wednesday, December 15, 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. [ABN/DOA/CA-2021-00249](#) Title: a Development Order Abandonment application of Military Crossing LLC, Murphy Oil USA - Kara Richards by Dunay Miskel and Backman LLP, CPH Engineers Inc., Agent. Request: to abandon a Special Exception to allow Retail Gas and Fuel Sales.

Title: a Development Order Amendment of Military Crossing LLC, Murphy Oil USA - Kara Richards by Dunay Miskel and Backman LLP, CPH Engineers Inc., Agent. Request: to modify the Site Plan; add and delete square footage; and, modify Conditions of Approval.

Title: a Class A Conditional Use of Military Crossing LLC, Murphy Oil USA - Kara Richards by Dunay Miskel and Backman LLP, CPH Engineers Inc., Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.

General Location: Northeast corner of Military Trail and Belvedere Road. **(BMC/Wal-Mart)** (Control 1992-00023)

Pages: 3 - 46

Conditions of Approval (10 - 24)

Project Manager: Timothy Haynes

Size: 22.40 acres ±

BCC District: 7

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 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 a Class A Conditional Use by a vote of 8-0-0.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Special Exception to allow Retail Gas and Fuel Sales.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan; add and delete square footage; and, modify Conditions of Approval, 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 Retail Gas and Fuel Sales with a Convenience Store, subject to the Conditions of Approval as indicated on Exhibit C-2.

3. **Z-2021-00630** Title: an Official Zoning Map Amendment application of Bruce C. Armstrong LivingTrust by H & L Planning & Development, Agent. Request: to allow a rezoning from the Residential Estate (RE) Zoning District to Residential Transitional (RT) Zoning District.

General Location: Southeast corner of Square Lake Drive and South Bates Road. **(Armstrong Property Rezoning)** (Control 1973-00079)

Pages: 47 - 60

Conditions of Approval (51 - 51)

Project Manager: James Borsos

Size: 1.03 acres ±

BCC District: 1

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 8-0-0.

MOTION: To adopt a Resolution for an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Estate (RE) Zoning District, subject to 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

- 4. [LGA-2020-00002](#) Title: Coconut Palm Plaza, Large Scale Future Land Use Amendment application of BASM 11, LLC - Babak Ebrahimzadeh, Northlake Coconut Property LLC - Chantal Segurola, Northlake Coconut Property LLC - Jorge Segurola by Schmidt Nichols, Agent. Request: To change a future land use designation from Rural Residential, 1 unit per 20 acres (RR-20) to Commercial Low with an underlying Rural Residential, 1 unit per 20 acres (CL/RR-20) with conditions.
General Location: Southeast corner of Northlake Boulevard and Coconut Boulevard (**Coconut Palm Plaza**) (Control 2001-00075)

Pages: 61 - 120

Conditions of Approval (68 - 68)

Project Manager: Bryce Van Horn

Size: 11.25 acres ±

BCC District: 6

Staff Recommendation: Approval of the proposed amendment to change the future land use designation from Rural Residential, 1 unit per 20 acres (RR-20), to Commercial Low with an underlying Rural Residential, 1 unit per 20 acres (CL/RR-20) with conditions.

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

BCC Transmitted with modifications in a 7 to 0 vote at the July 28, 2021 public hearing.

MOTION: To Adopt an Ordinance for the Coconut Palm Plaza amendment.

5. [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: 121 - 158

Conditions of Approval (130 - 137)

Project Manager: Imene Haddad

Size: 11.25 acres ±

BCC District: 6

DISCLOSURE

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

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

Zoning Commission Recommendation: Adopted a Type 2 Variance (with conditions) 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.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 7-1-0.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Conditional Overlay Zone (COZ).

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Public Ownership (PO) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store, subject to the Conditions of Approval as indicated in Exhibit C-3.

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

6. [DOA-2021-00112](#) Title: a Development Order Amendment application of Walk Woods, RTCM 2101 North State Road 7 LLC by Insite Studio, Agent. Request: to modify the Site Plan; and to add a new building, square footage, and use.

General Location: Northeast corner of Lake Worth Road and State Road 7. (**Woods Walk Plaza**) (Control 1985-00069)

Pages: 159 - 188

Conditions of Approval (166 - 171)

Project Manager: Timothy Haynes

Size: 20.41 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 8-0-0.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan; and to add a new building, square footage, and a use, 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 ROUND 2021-02](#)

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. 3, Airport Zoning Overlay Use Regulations Update

Exhibit B - Art. 3, Planned Unit Development Standards and Measurement

Exhibit C - Art. 4, Generators for Commercial Communication Towers

Pages: 189 - 198

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of the ULDC Amendment Round 2021-02 on December 15, 2021.

Land Development Regulation Advisory Board (LDRAB): On August 25, 2021 and September 22, 2021, the LDRAB recommended approval of the proposed ULDC amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On October 28, 2021, the LDRC found the proposed ULDC amendments to be consistent with the Plan with a vote of 13-0.

MOTION: To approve the Request for Permission to Advertise for First Reading of the ULDC Amendment Round 2021-02 on December 15, 2021: ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); 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: 199 - 220

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends Option 3, to approve First Reading the proposed amendments and Advertise for Adoption Hearing on the December 15, 2021.

BCC OPTIONS:

- 1. To deny the proposed ULDC amendment.
- 2. To approve First Reading of the proposed ULDC amendment with modifications.
- 3. To approve First Reading of the proposed ULDC amendment as presented.

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 October 28, 2021, the BCC approved the Request for Permission to Advertise for First Reading on November 22, 2021, with a vote of 6-0.

MOTION: To approve on First Reading and Advertise for Adoption Hearing on December 15, 2021, a Privately Initiated Amendment to Articles 3 and 4 of the ULDC 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.

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

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT