



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
JANUARY 27, 2022**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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CONSENT AGENDA

A-1. REQUESTS TO MOVE ITEM FROM REGULAR TO CONSENT AGENDA

4.	(69-100)	ZV/ABN/DOA-2021-01341 (2008-00421)	Hagen Commercial MUPD
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DELETE Engineering Conditions 1 and 14 of Exhibit C-2.

MOTION: To adopt a Resolution to abandon a Requested Use for a Type 1 Restaurant with Drive-through.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan; add square footage; add, delete and modify Uses; and, modify Conditions of Approval, subject to Conditions of Approval as indicated in Exhibit C-2, as amended.

REGULAR AGENDA

J. ZONING APPLICATIONS – NEW

3.	(35-68)	PDD-2021-01174 (2021-00073)	Johns West PUD
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AMEND Engineering Condition 8 of Exhibit C, to read as follows:

8. As a condition for access approval by the FDOT, the Property Owner shall ~~extend the south approach left turn lane on SR-7 at Kimberly Blvd to 435 ft, inclusive of taper, or as approved by the FDOT, if full access on SR-7 is not approved by the FDOT~~ construct a south approach U-turn lane and directional median opening on SR 7 between the project driveway and Kimberly Blvd or as approved by the FDOT. The Property Owner shall be required to construct a directional median opening on State Road 7 at the project entrance until a traffic signal is warranted as approved by FDOT and PBC and at such time the directional median opening shall be modified to a full access opening. If prior to meeting warrants for a full signal at this location a need for a fire truck access is identified, the median shall be modified accordingly with installation of an emergency signal, as approved by the FDOT/County. If project access is also provided through 95th Ave S, the FDOT may waive ~~this lane extension the south approach U-turn~~ requirement and this condition (construction of U-turn) will be considered satisfied by providing a letter from the FDOT to the Traffic and Land Development Divisions, approving such waiver.

~~a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDG/PMT:MONITORING – Engineering)~~

~~b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy (BLDG/PMT/CO:MONITORING – Engineering)~~

- ~~a. Construction of the U-turn lane shall be completed prior to the issuance of the 339th Certificate of Occupancy or the construction of the bridge connection to State Road 7, whichever first occurs. (BLDG/PMT/CO:MONITORING – Engineering)~~
- ~~b. Construction of other median improvements on State Road 7 at the entrance shall be completed concurrent with the construction of the traffic signal. The median and signal improvements shall be considered satisfied if the traffic signal is determined to be not warranted by PBC or FDOT and the associated traffic signal surety has been returned by PBC. (ONGOING:ENGINEERING – Engineering)~~

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



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY, JANUARY 27, 2022

9:30 A.M.

**BCC Chambers 6th Floor, Jane Thompson Memorial Chambers
301 N Olive Ave, West Palm Beach, 33401**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

OTHER DEPARTMENT ITEMS

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.



**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

JANUARY 27, 2022

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Mayor, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file
- E. Swearing In - County Attorney
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

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

- 1. [CA-2021-01022](#) Title: a Class A Conditional Use application of Steven Cabral by Land Research Management Inc., Agent. Request: to allow 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 - 16

Conditions of Approval (7 - 8)

Project Manager: James Borsos

Size: 1.15 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 7-0-0.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow Limited Pet Boarding, subject to the Conditions of Approval as indicated in Exhibit C.

E. ZONING APPLICATIONS - NEW

- 2. [CA-2021-01156](#) Title: a Class A Conditional Use application of Jack Nelson by Land Research Management Inc., Agent. Request: to allow Limited Pet Boarding

General Location: South side of 76th Road North, approximately 246 feet east of Apache Boulevard. (**Palm Beach Dog Academy**) (Control 2021-00081)

Pages: 17 - 34

Conditions of Approval (22 - 23)

Project Manager: Wendy Hernandez

Size: 1.15 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, to allow a Limited Pet Boarding, 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

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

3. [PDD-2021-01174](#) Title: an Official Zoning Map Amendment application of Boca Raton Associates X, LLLP by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District

General Location: East of State Road 7, approximately 0.25 miles north of Glades Road. (**Johns West PUD**) (Control 2021-00073)

Pages: 35 - 68

Conditions of Approval (45 - 53)

Project Manager: Imene Haddad

Size: 262.98 acres \pm

BCC District: 5

(affected area 259.52 acres \pm)

DISCLOSURE

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-2-0.

MOTION: To adopt a Resolution approving a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District

4. [ZV/ABN/DOA-2021-01341](#) Title: a Development Order Abandonment application of William & Dorothy Mazzoni, Trustees, Boynton Beach Marketplace, LLC by Urban Design Studio, Agent. Request: to abandon a Requested Use for a Type 1 Restaurant with Drive-through

Title: a Development Order Amendment of William & Dorothy Mazzoni, Trustees, Boynton Beach Marketplace, LLC by Urban Design Studio, Agent. Request: to modify the Site Plan; add square footage; add, delete and modify Uses; and, modify Conditions of Approval

General Location: Northeast corner of Boynton Beach Boulevard and Hagen Ranch Road. **(Hagen Commercial MUPD)** (Control 2008-00421)

Pages: 69 - 100

Conditions of Approval (76 - 86)

Project Manager: Imene Haddad

Size: 7.92 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: Adopted a Type 2 Variance (with conditions) by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment 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 to abandon a Requested Use for a Type 1 Restaurant with Drive-through

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan; add square footage; add, delete and modify Uses; and, modify Conditions of Approval, subject to Conditions of Approval as indicated in Exhibit C-2.

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. ULDC AMENDMENTS

5. Title: [FINAL ADOPTION - 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: 101 - 108

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 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.

BCC Public Hearing: On November 22, 2021, the BCC approved the Request for Permission to Advertise for First Reading on December 15, 2021, with a vote of 7-0. On December 15, 2021, the BCC approved the First Reading and Advertisement for Adoption Hearing on January 27, 2021 with a vote of 7-0.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AS AMENDED, AS FOLLOWS: ARTICLE 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.

6. Title: FINAL ADOPTION - UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT FOR DOG FRIENDLY DINING SPECIAL PERMITS

The proposed Ordinance will account for consistency with the Comprehensive Plan, and specific amendments, as follows:

Ordinance Title

Exhibit A - Art. 2 and 4, Dog Friendly Dining Special Permits

Pages: 109 - 114

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.

BCC Public Hearing: On December 15, 2021, the BCC approved the Request for Permission to Advertise for Adoption Hearing on January 27, 2021, with a vote of 7-0.

Land Development Regulation Advisory Board (LDRAB): At time of publication, LDRAB is scheduled to hear this item during the January 26, 2022 hearing. Staff will brief the BCC of LDRAB's recommendation at the January 27, 2022 BCC Hearing.

Land Development Regulation Commission (LDRC) Determination: At time of publication, LDRC is scheduled to hear this item during the January 26, 2022 hearing. Staff will brief the BCC of LDRC's determination at the January 27, 2022 BCC Hearing.

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 2- APPLICATION PROCESSES AND PROCEDURES: CHAPTER C, ADMINISTRATIVE PROCESSES; 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

E. FACILITIES DEVELOPMENT AND OPERATIONS

7. Title: [Civic Site cash out of Phase I area of the Whitworth AGR-PUD.](#)

The Whitworth AGR-PUD is located south of Boynton Beach Blvd., east of State Road 7, and west of and adjacent to Lyons Road in western Boynton Beach. G.L. Acquisitions Corporation (GL Homes) is the contract purchaser of the Whitworth Family property. The entire Whitworth parcel is 580.728 acres which will be developed in two (2) phases. Phase I, the subject of this civic site cash out request, consist of 362.714 gross acres, 145.397 acres of which will be utilized as the development area. The 2% civic dedication requirement for Phase I is 2.91 acres. PREM has negotiated a cash out price equal to the price per acre that GL Homes will pay for the overall 580.728 acre PUD Development (\$206,637.19 per acre). The cash out of this 2.91 acre civic site is therefore \$601,314.22 under the proposed valuation methodology.

Pages: 115 - 118

Project Manager: Marcel Pessoa

Staff Recommendation: PREM recommends approval of the civic site cash out request for Phase I area of the Whitworth AGR-PUD.

MOTION: To approve the Whitworth AGR-PUD 2.91-acre civic site cash out in the amount of \$601,314.22 and the funds be allocated to the general government civic account (3800-800-XXXX-2540) for future appropriation toward government facilities in the general area.

8. Title: Civic Site cash out of Forest Oaks Residential.

The Forest Oaks Golf Course (Property) within the Lucerne Lakes PUD is located approximately 3/4 miles east of the Florida Turnpike on the south side of Lake Worth Road. Mattamy Palm Beach LLC (Mattamy) is the contract purchaser of the Property that is subject to a recently approved development order amendment which modified the approved Lucerne Lakes PUD Master Plan redesignating the golf course to residential use. Mattamy proposes to develop the Property into a residential community. The 2% civic-site requirement for the 79.01 acres Property is 1.58 acres. PREM has negotiated, and Mattamy has agreed to a cash out price equal to the price per acre that Mattamy will pay for the Property (\$199,341.85 per acre). The cash out of this 1.58 acre civic site is therefore \$314,960.12 under the proposed valuation methodology.

Pages: 119 - 122

Project Manager: Marcel Pessoa

Staff Recommendation: PREM recommends approval of the civic site cash out request for Forest Oaks Residential.

MOTION: To approve the Forest Oaks Residential - 1.58-acre civic site cash out in the amount of \$314,960.12 and the funds be allocated to the general government civic account (3800-800-XXXX-2540) for future appropriation toward government facilities in the general area.

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT