



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
February 24, 2022**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

5.	(1-26)	DOA-2021-00418 (1976-00139)	Sherbrooke Estates PUD
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Applicant has requested a postponement to Thursday, April 28, 2022, Staff agrees to the postponement. (Attachment A)

MOTION: No motion required

10. Workforce Housing Policy Issues

Staff Recommendation: To postpone to March 29, 2022.

CONSENT AGENDA

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

4.	(1-14)	DEV-2022-00270 (2015-00150)	Laurel Oak Cottages
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E. ZONING APPLICATIONS- NEW

1.	(1-34)	ZV/DOA/CA-2021-01043 (1999-00028)	HSC West Palm Beach
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CORRECTION: To correct the Development Order Amendment Request in the Staff Report to match the legal ad.

TITLE: a Development Order Amendment **REQUEST:** To modify the site plan and uses, to add square footage; add pumps/fueling positions; and, to add and delete Conditions of Approval

....

AMEND LANDSCAPE - GENERAL – LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (BELVEDERE ROAD AND SANSBURY S WAY FRONTAGES) Condition Number 1 of Exhibit C-2 to read as follows:

1. Previous Condition 1 of Resolution R-2003-1397, Control No 1999-00028, which currently states: Landscaping and buffering....

Is hereby amended to read:

In addition to the requirements for a right of way buffer along a right of way greater than 100 feet in width, the width of the buffer Landscaping and buffering along the north and west property lines shall be upgraded to be include a minimum ~~twenty five (25)~~ foot in width wide landscape buffer strip. No width reduction of the buffer shall be permitted. (ONGOING/BLDG PERMIT: ZONING-Zoning)

AMEND LANDSCAPE – GENERAL - LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING INDUSTRIAL USES) Condition Number 1 of Exhibit C-2 to read as follows:

1. Previous J Condition 1 of Resolution R-2003-1397, Control No 1999-00028, which currently states:

Landscaping and buffering...

Is hereby amended to read:

In addition to the requirements for a Compability Buffer, landscaping and buffering along the south and east property lines shall be upgraded to include a minimum ten (10) foot wide landscape buffer strip except for the west 220 feet of the south property line which may be reduced to ~~five (5)~~ 8 feet in width. (ONGOING: ZONING - Zoning)

**2. (1-53) ABN/DOA-2021-01521 CHS Properties MUPD
(1998-00089)**

AMEND ZONING - LANDSCAPING-ALONG ALL PROPERTY LINES ADJACENT TO RIGHT-OF-WAYS Condition Number 6 of Exhibit C to read as follows:

6. Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2021-269, Control No.1998-00089, which currently states:

Landscaping and buffering

Is hereby amended to read:

Landscaping and buffering along the western 664 foot portion of the south property line (Ohio Street frontage) shall be upgraded to include:

a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted with exception to the utility easement (ORB 21587, PG 1) encroachment at the south-west corner of Pod C;

~~b. A six (6) foot wall on a two (2) foot berm combined with a eight (8) foot high hedge located on the exterior side of the wall;~~

~~c.~~ One (1) canopy tree for each twenty (20) linear feet of frontage, with a maximum spacing of thirty (30) feet on center. A maximum twenty-five (25) percent of the canopy trees may be superseded by a group of three (3) or more palm or pine trees in that location. The trees shall be installed on the exterior side of the berm, between the shrub or hedge material and the property line;

~~d.~~ One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; ~~and,~~

~~e.~~ A double row of thirty (30) inch high shrub or hedge material, one row per each side of the required fence, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a height of seventy-two (72) inches; ~~and,~~

e. A six foot wall shall be placed in the area between the landscape buffer and the parking area. (ONGOING: ZONING - Zoning)

ATTACHMENT A

February 16, 2022

Lisa Amara
Zoning Director
Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, FL 33411



Re: **Sherbrooke Estates PUD Request for Postponement**
Application No.: DOA-2021-00418
Control No.: 1976-00139 (Sherbrooke Estates PUD)

Dear Ms. Amara,

Please accept this letter as an official request for a postponement pursuant to Article 2.B.6.E of Palm Beach County's (County) Unified Land Development Code (ULDC) for the above referenced project.

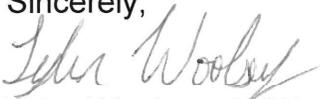
The Development Order Amendment (DOA) application submitted for the Sherbrooke Estates PUD (App. No. DOA-2021-00418) was certified on September 24, 2021. The application was subsequently heard at the February 3, 2022 Zoning Commission (ZC) hearing and is scheduled to be heard by the Board of County Commission (BCC) on February 24, 2022.

The Applicant has conducted continuous community outreach efforts from the initial submittal of this application through the DRO review process and continues attempts to coordinate with the surrounding community, specifically the residents that have rejected requests to meet yet raised objections during the ZC hearing. The Applicant would prefer to meet with representatives of the community to achieve compromise to the greatest extent possible in advance of the BCC hearing. Additionally, following the ZC hearing, the Applicant has commissioned the preparation of multiple studies above and beyond the application materials required by the County ULDC at this stage of review in order to respond to misrepresentations presented in opposition to the project during the ZC hearing. It is expected that these studies will require several weeks to prepare at a minimum.

The Applicant is requesting a postponement of at least two months to allow for the completion of these studies in advance of the application being heard before the BCC. Additionally, the Applicant will continue to make every effort possible to coordinate with the residents of the Sherbrooke Estates HOA and surrounding communities during this time in order to incorporate feedback and resolve community concerns in advance of the BCC hearing.

On behalf of the applicant, Urban Design Studio appreciates your consideration of this request for a postponement of the public hearing for this application. Should you have any questions about the above request or require any additional documentation, please feel free to contact me at TWoolsey@udsflorida.com.

Sincerely,


Tyler Woolsey, AICP

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**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY FEBRUARY 24, 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**

FEBRUARY 24, 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

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

1. [ZV/DOA/CA-2021-01043](#) Title: a Development Order Amendment application of Basm Global Real Estate Fund LLC, HSC West Palm Beach, LLC by Schmidt Nichols, Agent. Request: to modify the site plan and uses; add square footage; add pumps/fueling positions; and, to add and delete Conditions of Approval
Title: a Class A Conditional Use of Basm Global Real Estate Fund LLC, HSC West Palm Beach, LLC by Schmidt Nichols, Agent. Request: a Class A Conditional Use to allow a General Daycare
General Location: Southeast corner of Belvedere Road and Sansburys Way. **(HSC West Palm Beach)** (Control 1999-00028)

Pages: 1 - 34

Conditions of Approval (8 - 22)

Project Manager: Imene Haddad

Size: 8.13 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-2 through C-4.

Zoning Commission Recommendation: Adopted a Type 2 Variance (with conditions) by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use (with conditions) by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment (Overall MUPD) to modify the site plan and uses, add square footage, and to add and delete Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2

MOTION: To adopt a resolution approving a Development Order Amendment (Retail Gas and Fuel with Convenience Store) to modify the site plan, add square footage, add fueling positions/pumps and modify Conditions of Approval as indicated in Exhibit C-3.

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-4.

- 2. [ABN/DOA-2021-01521](#) Title: a Development Order Abandonment application of Sean Dalfen, Mgr., DI Management Florida, LLC, David Saunders, Mgr., Ranch House Realty, LLC by Schmidt Nichols, Agent. Request: to abandon a Class A Conditional Use for Vehicle Sales and Rental, Light
Title: a Development Order Amendment of Sean Dalfen, Mgr., DI Management Florida, LLC, David Saunders, Mgr., Ranch House Realty, LLC by Schmidt Nichols, Agent. Request: to modify the Site Plan; add and delete uses; add square footage; and, modify the Conditions of Approval
General Location: North and South sides of Ranch House Road East of South Congress Avenue (**CHS Properties MUPD**) (Control 1998-00089)

Pages: 1 - 53

Conditions of Approval (8 - 22)

Project Manager: James Borsos

Size: 27.29 acres ±

BCC District: 3

(affected area 10.51 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 Development Order Abandonment by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 7-0-0.

MOTION: To adopt a Resolution approving a Development Order Abandonment of a Class A Conditional Use for Vehicle Sales and Rental, Light.

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

- 3. [DOA-2021-01645](#) Title: a Development Order Amendment application of 16490 Innovation LLC by 2GHO Inc., Agent. Request: to modify the Site Plan; increase building square footage; and, modify Conditions of Approval
General Location: South side of Innovation Drive, approximately 0.25 miles west of Bee Line Highway (**Innovation Center**) (Control 2001-00009)

Pages: 1 - 23

Conditions of Approval (5 - 10)

Project Manager: Jeffrey Gagnon

Size: 70.97 acres ±

BCC District: 1

(affected area 11.99 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 Development Order Amendment (with conditions) by a vote of 7-0-0.

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

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

REGULAR AGENDA**A. ITEMS PULLED FROM CONSENT****B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA****C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS**

4. [DEV-2022-00270](#) Title: DEV - Public Ownership Deviation application of Palm Beach County by Palm Beach County, Agent. Request: to allow deviations from the right of way buffer width, landscape island width and planting, foundation planting width, and to allow backward egress from proposed driveways onto an access easement
General Location: Northwest and Southwest corner of Clemens Street and Military Trail (**Laurel Oak Cottages**) (Control 2015-00150)

Pages: 1 - 14

Project Manager: Eric McClellan, Division Director, Director
Facilities Development & Operations Strategic Planning

BCC District: 3

Size: 1.36 acres ±

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request.

MOTION: To approve the Public Ownership Deviations to allow deviations from the right of way buffer width, landscape island width and planting, foundation planting width, and to allow backward egress from proposed driveways onto an access easement.

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

- 5. [DOA-2021-00418](#) Title: a Development Order Amendment application of Mattamy Palm Beach, LLC by Urban Design Studio, Agent. Request: to modify the Master Plan; add units; and, add access points

General Location: Located at the southwest corner of Lyons Road and Lantana Road, and continues south, on the east and west sides, approximately 1,900 feet north of Hypoluxo Road. **(Sherbrooke Estates PUD)** (Control 1976-00139)

Pages: 1 - 126

Conditions of Approval (18 - 27)

Project Manager: Imene Haddad

Size: 530.14 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 Denial of a Development Order Amendment by a vote of 0-7-0.

MOTION: To adopt a resolution 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

L. ULDC AMENDMENTS

- 6. [Title: Initiation of Unified Land Development Code \(ULD\) Revisions for 2022](#)

Pages: 1 - 5

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends a motion to initiate ULDC revisions for 2022.

MOTION: To initiate ULDC revisions for 2022.

M. OTHER ITEMS - PUBLIC HEARING

7. Title: An Ordinance of the Board of County Commissioners of Palm Beach County, Florida; repealing Chapter 27, Article VI, Sections 27-111 through 27-117 of the Palm Beach County Code (Ordinance No. 93-3) in its entirety and replacing it with the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance; providing for a title; providing for applicability; providing for definitions; providing for year-round landscape irrigation conservation measures; providing for exceptions to the landscape irrigation schedules; providing for variances; providing for enforcement; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for savings clause; and providing an effective date.

On February 8, 2022, the Board of County Commissioners approved the preliminary reading and permission to advertise for public hearing. The Palm Beach County (County) Water and Irrigation Conservation Ordinance (adopted in 1991 and repealed and replaced in 1993) is a Countywide ordinance that includes permanent restrictions on landscape irrigation and a regulatory framework and guidance document to help ensure consistent water and landscape irrigation conservation throughout the County. In an effort to increase water resources conservation and improve regulatory consistency with the South Florida Water Management District's (SFWMD) Mandatory Year-Round Landscape Irrigation Conservation Measures Rule, it is necessary to adopt a new landscape irrigation conservation measures ordinance. In January 2021, the County Water Resources Task Force adopted a resolution encouraging the County, and all municipalities within the County, to promote water conservation through the adoption of local ordinances in accordance with the SFWMD Landscape Irrigation Rule. While the existing Water and Irrigation Conservation Ordinance applies Countywide, based on discussions with the Palm Beach County League of Cities, Inc., this new Ordinance applies only to water users within unincorporated areas of the County. Pursuant to Section 162.09(2)(d), Florida Statutes, the maximum fine amounts found in Section 7(d) of the Ordinance require adoption by a majority plus one of the BCC (5 votes.) Countywide (MJ)

Pages: 1 - 19

Project Manager: Jeremy McBryan, County Water Resources Manager, County Administration

Staff Recommendation: Staff recommends a motion to adopt the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance.

MOTION: Staff recommends motion to adopt: An Ordinance of the Board of County Commissioners of Palm Beach County, Florida; repealing Chapter 27, Article VI, Sections 27-111 through 27-117 of the Palm Beach County Code (Ordinance No. 93-3) in its entirety and replacing it with the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance; providing for a title; providing for applicability; providing for definitions; providing for year-round landscape irrigation conservation measures; providing for exceptions to the landscape irrigation schedules; providing for variances; providing for enforcement; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for savings clause; and providing an effective date.

8. [Title: Special Secondary Service ALS Provider - Non Transport Certificate of Public Convenience and Necessity \(COPCN\) to Cambridge Security Services, Corporation \(Cambridge\) for the gated community of Golf Village at Admiral's Cove.](#)

Cambridge has applied for a Special Secondary Service COPCN to provide non-transport Advanced Life Support (ALS) services for the gated community of Golf Village at Admiral's Cove. Security agencies for private communities can provide rapid response to medical emergencies and have the capability to provide advanced life support services until the primary ALS agency arrives. The Department of Public Safety, Division of Emergency Management (DEM) has reviewed the application and recommends approval of a Special Secondary Service ALS Provider - Non-Transport COPCN to be issued to Cambridge. The application was found to be in compliance and met the requirements based on the PBC Code of Ordinances, Chapter 13, Sections 13-22. The COPCN will be issued for operations restricted to the confines of Golf Village at Admiral's Cove for the period of February 24, 2022, until Cambridge's contractual agreement with Golf Village at Admiral's Cove is terminated. Palm Beach County Fire Rescue is the Primary COPCN holder and has signed a Memorandum of Understanding with Cambridge to provide such services in their respective zone. The Emergency Medical Services (EMS) Advisory Council has also approved the recommendation to grant Cambridge a Special Secondary Service ALS Provider - Non-Transport COPCN. District 1 (SB)

Pages: 1 - 63

Project Manager: Stephanie Sejnoha, Public Safety Director

Staff Recommendation: Staff recommends a motion to approve: the issuance of a Special Secondary Service ALS Provider - Non Transport Certificate of Public Convenience and Necessity (COPCN) to Cambridge Security Services, Corporation (Cambridge) for the gated community of Golf Village at Admiral's Cove.

MOTION: To approve: the issuance of a Special Secondary Service ALS Provider - Non Transport Certificate of Public Convenience and Necessity (COPCN) to Cambridge Security Services, Corporation (Cambridge) for the gated community of Golf Village at Admiral's Cove.

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

D. ADMINISTRATION

9. Title: Gas Generator and Transfer Switches

On April 22, 2021, at the request of the Board of County Commissioners (BCC), Staff provided general information regarding current requirements for generators and transfer switches at gas stations in Palm Beach County. At that meeting, the BCC directed Staff to pursue additional research and coordinate a future workshop on this topic.

Based on Staff's research, Florida Statute §526.143 requires gas stations be prewired with a transfer switch and capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternate generated power source if they meet all criteria outlined in the Statute, however, a permanent generator is not required. The criteria for this requirement of a transfer switch at a gas station includes:

- 1) County population of 300,000 or more;
- 2) Newly constructed or substantially renovated on or after July 1, 2006;
- 3) Located within 1/2 mile proximate to an interstate highway or state or federally designated evacuation route; and,
- 4) 16 or more fueling positions.

Staff worked with the State of Florida Department of Agriculture and Consumer Services (FDACS) and received a list of all gas stations in Palm Beach County that identified which ones had a generator, transfer switch, or neither. From that list, Staff confirmed the FDACS verifies at the time of visit whether a transfer switch is required based on the criteria in Florida Statute 526.143 and found all gas stations on commercial power were in compliance with the Statute. Additional research found that only one other surrounding county, Miami-Dade, created additional regulations for gas stations requiring they provide an annual emergency management plan, ensuring they have access to generators.

Costs associated with installing a permanent generator are approximately \$50,000 or more and for a transfer switch could range from \$5,000 to \$20,000. Installing a transfer switch provides the ability to connect a backup generator (if available) and continue business operations and sales following a major storm event, however without a transfer switch, connecting a generator is not possible.

Project Manager: Stephanie Sejnoha, Public Safety Director

Staff Recommendation: Staff requests direction on whether to impose additional requirements to gas stations as it relates to generators and transfer switches.

MOTION: Staff requests direction on whether to impose additional requirements to gas stations as it relates to generators and transfer switches.

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

10. [Title: Workforce Housing Policy Issues](#)

At the Board of County Commissioners' workshop on January 25, 2022, the Board discussed several concepts that could potentially increase the supply of workforce and affordable housing in Palm Beach County. Staff was directed to return at the February BCC Zoning Hearing to begin consideration of possible changes to the adopted Workforce Housing Program. A number of key issues will be presented, including the current code requirements, possible changes and implications, and staff recommendations. Following Board discussion and direction, industry input would be sought and code amendments would be drafted for Board consideration.

Project Manager: Maria Bello

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT