



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING
AMENDMENTS TO THE AGENDA
APRIL 25, 2024**

CONSENT AGENDA

2. DOA-2023-01160 Costco at Boca Congress Center

AMEND – To modify the Development Order Amendment for the overall MUPD to modify Conditions of Approval in Exhibit C-1 as shown with deleted text struck out as shown below.

SITE DESIGN

~~1. Only one (1) out parcel shall be permitted on site and limited to a maximum 5,860 sq. ft. bank with two drive thru lanes and one ATM lane. (DRO/ONGOING: BUILDING DIVISION - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2016-677, Control No.1995-00063)~~

REASON: This condition was already deleted in Resolution R-2016-677. Remaining Site Design Conditions will be renumbered accordingly.

3. ABN/Z/CA-2023-00657 Eternal Gospel Church

AMEND – To modify the Staff Report for the Class A Conditional Use acreage as shown with the deleted text struck out and added underlined text:

Title: a Class A Conditional Use **Request:** to allow a General Daycare on 2.4445 acres

EXHIBIT C-2: Class A Conditional Use General Daycare on 2.4445 acres

4. DOA-2023-01450 Heritage Park

AMEND – To modify the Development Order Amendment Conditions of Approval in Exhibit C as shown with the deleted text struck out:

ALL PETITIONS

2.{omitted for brevity} **Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1985-0026 (Control 1984-00085), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners ~~or Zoning Commission~~, unless expressly modified. (ONGOING: MONITORING - Zoning)

REGULAR AGENDA

7. PPR-2023-00595 Commercial Pod PUD, First Reading and Adoption

AMEND – To modify the Agenda to revise the motion as shown with the deleted text struck out and added underlined text:

MOTION: To adopt an Ordinance approving to approve Staff recommendation for item 7.

8. PDD-2022-01134 Lakehaven PUD

AMEND – To modify Planned Unit Development Condition of Approval in Exhibit C as shown with the deleted text struck out:

LANDSCAPE

6. Prior to final approval by the Development Review Officer (DRO), the site/subdivision plans shall indicate additional decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) as follows:

a. a minimum eight ~~(B)~~ foot wide continuous band surrounding a central island within all cul-de-sacs;

- b. a minimum eight ~~(8)~~ foot wide continuous band along the perimeter of all semi cul-de-sacs, medians and/or eyebrows, to be located between adjacent residential lots only;
- c. the final design and location for all decorative paving treatment shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

9. ABN/DOA/CA-2023-01491 Polo Gardens MUPD

AMEND – To modify the Agenda and Staff Report to modify the Development Order Abandonment acreage as shown with the deleted text struck out and added underlined text:

- a. **Title:** a Development Order Abandonment **Request:** to abandon a Class A Conditional Use for a Hospital on 25.~~0479~~ acres



BOARD OF COUNTY COMMISSIONERS

ZONING HEARING

Thursday, April 25, 2024

9:30 A.M.

**BCC Chambers 6th Floor, Jane M. Thompson Memorial Chambers
301 N. Olive Avenue, West Palm Beach, FL 33401**

CALL TO ORDER

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

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT

REGULAR

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

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

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

April 25, 2024

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

AGENDA APPROVAL

- A. Amendments to the Agenda
 - Presentation of Add/Delete
 - Request to Pull Items from Consent
 - **Motion** to adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

- A. POSTPONEMENTS - REMANDS
- B. WITHDRAWALS

- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA -

CONSENT AGENDA

- A. REQUESTS TO PULL ITEMS FROM CONSENT
- B. DISCLOSURES FOR THE CONSENT ITEMS
- C. ZONING APPLICATIONS

- 1. [CA-2023-00656 RCRU Investments TDR](#) (Control 1982-00157)

Zoning Application of RCRU Investments LLC by Land Research Management Inc.

Location: Northwest corner of Kirk Road and Selberg Lane

Project Manager: Matthew Boyd, Site Planner II

BCC District: 3

DISCLOSURES

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

Zoning Commission: Recommended approval by a vote of 7-0-0

- a. **Title:** a Class A Conditional Use **Request:** to allow the Transfer of Development Rights in excess of 2 units per acre (4 TDRs) on 1.18 acres

MOTION: To adopt a resolution approving item 1.a

- 2. [DOA-2023-01160 Costco at Boca Congress Center](#) (Control 1995-00063)

Zoning Application of Costco Wholesale Corporation - Beth Schrantz by Dunay Miskel and Backman LLP

Location: East side of Congress Avenue, approx. 0.25 miles north of Clint Moore Road

Project Manager: Larry Damato, Site Planner II

BCC District: 4

DISCLOSURES

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

Zoning Commission: Recommended approval by a vote of 7-0-0

- a. **Title:** a Development Order Amendment **Request:** to modify the overall MUPD Site Plan, uses, and Conditions of Approval on 27.77 acres

MOTION: To adopt a resolution approving item 2.a

- b. **Title:** a Development Order Amendment **Request:** to modify the Site Plan for the Class A Conditional Use for Retail Gas and Fuel use to add pumps and fueling positions, and to modify Conditions of Approval on 27.77 acres

MOTION: To adopt a resolution approving item 2.b

3. [ABN/Z/CA-2023-00657 Eternal Gospel Church](#) (Control 1997-00062)
Zoning Application of Gods Church Of Faith Inc. by Land Research Management Inc.
Location: East side of S. Haverhill Road, approx. 0.25 miles south of Gun Club Road
Project Manager: Nancy Frontany Bou, Senior Site Planner
BCC District: 3
DISCLOSURES
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: Recommended approval by a vote of 7-0-0
 - a. **Title:** a Development Order Abandonment **Request:** to abandon a Class A Conditional Use for a Place of Worship on 1.77 acres
MOTION: To adopt a resolution approving item 3.a
 - b. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Single-Family Residential (RS) Zoning District on 0.67 acres
MOTION: To adopt a resolution approving item 3.b
 - c. **Title:** a Class A Conditional Use **Request:** to allow a General Daycare on 2.44 acres
MOTION: To adopt a resolution approving item 3.c

4. [DOA-2023-01450 Heritage Park](#) (Control 1984-00085)
Zoning Application of VS Delray Beach East LLC by Urban Design Studio
Location: West side of Sims Road, approximately 700 feet north of Atlantic Avenue
Project Manager: Joyce Lawrence, Senior Site Planner
BCC District: 5
DISCLOSURES
Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.
Zoning Commission: Recommended approval by a vote of 7-0-0
 - a. **Title:** a Development Order Amendment **Request:** to modify the overall PUD Site Plan to add residents/beds to an existing Congregate Living Facility and modify Conditions of Approval on 16.53 acres
MOTION: To adopt a resolution approving item 4.a

5. [EAC-2024-00108 Villages of Windsor – SE Residential](#) (Control 1996-00081)
Zoning Application of Civic Hypoluxo Holding LLC – Alex Akel by JMorton Planning & Landscape Architecture
Location: Southeast corner of Hypoluxo Road and Lyons Road
Project Manager: Lorraine Fuster Santana, Site Planner II
BCC District: 6
DISCLOSURES
Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.
 - a. **Title:** a Development Order Amendment (Expedited Application Consideration) **Request:** to modify Engineering Condition 23 in Resolution No. R-2023-0107 to delete the requirement to construct a right turn lane at the northern project entrance from Hypoluxo Road on 543.60 acres
MOTION: To adopt a resolution approving item 5.a

- END OF CONSENT AGENDA -

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. COMPREHENSIVE PLAN AMENDMENTS WITH CONCURRENT ULDC AND ZONING APPLICATIONS

6. [LGA-2023-00009 Lakehaven PUD](#)

Future Land Use Application of Lornco Farms LLC - Donald Stevenson, Fleming Properties Llc - John Christopher Fleming, Robin Fleming by Urban Design Studio

Title/Request: To change a future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) and to revise the Future Land Use Element and the Map Series of the Comprehensive Plan to expand the Glades Area Protection Overlay (GAPO) eastward to include the subject site and designate the site as a Limited Urban Service Area (LUSA).

Location: North side of Southern Boulevard, approx. 1.75 miles west of Seminole Pratt Whitney Road

Project Manager: Bryce Van Horn, Senior Planner

BCC District: 6

Staff Recommendation: Approval with Conditions

Planning Commission: Recommended Approval with Conditions in an 11 to 0 vote at the October 13, 2023 public hearing

BCC Transmittal Action: Transmitted with modifications in a 7 to 0 vote at the November 1, 2023 public hearing

MOTION: To adopt an ordinance approving item 6.

7. [PPR-2023-00595 Commercial Pod PUD, First Reading and Adoption](#)

Summary: The item before the Board is a Privately Proposed Revision (PPR) to the Unified Land Development Code (ULDC) requesting to modify language regarding Commercial Pods of Planned Unit Developments (PUDs) as summarized below:

- Increase the allowable percentage of a Commercial Pod of a PUD from a maximum of 1% of the total acreage to 2%; and,
- Limit the 1,000 foot separation requirement for a Commercial Pod from an Arterial or Collector Roadway to only those Commercial Pods created through a Development Order Amendment.

Staff Assessment: The Applicant submitted the request concurrent with future land use amendment and zoning applications for the Lakehaven PUD. The Applicant proposes a 8.15 acre (1.8%) Commercial Pod fronting Southern Boulevard as part of the PUD, but the current ULDC limits the Commercial Pods to a 1% acreage and internal to the PUD. This item is presented for Phase 2 adoption by ordinance.

Staff Recommendation: Staff recommends approval of first reading and adoption of an ordinance amending the ULDC.

LDRAB Recommendation: Recommended approval by a vote of 8-4 on November 8, 2023

LDRC Determination: Determined that the amendment as presented by the applicant and recommended by Staff was consistent with the Comprehensive Plan by a vote of 12-0 on November 8, 2023

BCC Permission to Advertise: Approved Request for Permission to Advertise for first reading and adoption by a vote of 7-0 on November 29, 2023

MOTION: To approve Staff recommendation for item 7.

8. [PDD-2022-01134 Lakehaven PUD](#) (Control 2022-00058)

Zoning Application of Lornco Farms LLC, Robin Fleming, Fleming Properties LLC, Kolter Group Acquisitions, LLC by Urban Design Studio

Location: North side of Southern Boulevard, approx. 1.75 miles west of Seminole Pratt Whitney Road

Project Manager: Joyce Lawrence, Senior Site Planner

BCC District: 6

DISCLOSURES

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

Zoning Commission: Recommended approval by a vote of 7-0-0

a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 446.14 acres

MOTION: To adopt a resolution approving item 8.a

C. **ZONING APPLICATIONS**

9. [ABN/DOA/CA-2023-01491 Polo Gardens MUPD](#) (Control 2013-00296)

Zoning Application of Elan Polo Gardens Owner LLC by JMorton Planning & Landscape Architecture

Location: Southeast corner of Lake Worth Road and Polo Club Road

Project Manager: Larry Damato, Site Planner II

BCC District: 6

DISCLOSURES

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

Zoning Commission: Recommended approval by a vote of 7-0-0

a. **Title:** a Development Order Abandonment **Request:** to abandon a Class A Conditional Use for a Hospital on 25.79 acres

MOTION: To adopt a resolution approving item 9.a

b. **Title:** a Development Order Amendment **Request:** to modify the overall MUPD to modify the Site Plan to add and delete uses and modify Conditions of Approval on 25.79 acres

MOTION: To adopt a resolution approving item 9.b

c. **Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with a drive-through on 25.79 acres

MOTION: To adopt a resolution approving item 9.c

10. [Z/CA-2023-01470 CMFC Farm](#) (Control 2021-00147)

Zoning Application of C&M Farm LLC and F&C Farm LLC - Terri Campbell by WGINC

Location: East side of Lyons Road, approximately 0.3 miles south of Lake Worth Road

Project Manager: Zubida Persaud, Senior Site Planner

BCC District: 6

DISCLOSURES

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1, C-2, and C-3.

Zoning Commission: Recommended approval by a vote of 7-0-0

a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from Residential Transitional (RT) Zoning District to the Single Family Residential (RS) Zoning District on 10.00 acres

MOTION: To adopt a resolution approving item 10.a

b. **Title:** a Class A Conditional Use **Request:** to allow Zero Lot Line Homes on 10.00 acres

MOTION: To adopt a resolution approving item 10.b

c. **Title:** a Class A Conditional Use **Request:** to allow Workforce Housing density increase greater than 50 percent (13 additional units) on 10.00 acres

MOTION: To adopt a resolution approving item 10.c

D. ULDC REVISIONS

11. [PPR-2024-00290 Coastal Resiliency Waiver - Privately Proposed Revision Phase 1](#)

Summary: The item before the Board is a Privately Proposed Revision (PPR) to the Unified Land Development Code (ULDC) proposed for Phase 1 as summarized below:

- To establish a Type 2 Waiver process to allow reductions in minimum property development regulations to accommodate the movement of the Coastal Construction Control Line (CCCL) since existing structures were built in order to allow the redevelopment of coastal properties.

Staff Assessment: The proposed PPR would allow property owners with existing multi-family uses along the County's coastline to apply for a Type 2 Waiver for approval by the BCC to waive minimum property development regulations (PDRs). The proposed waiver process will allow proposed redevelopment to consider the impacts of the movement of the Coastal Construction Control Line (CCCL) which limits the amount of development that may take place eastwards of the Line. The waiver process would allow the Board to consider the unique attributes of each subject site during the development review process, and will accommodate the redevelopment of sites to reflect changes to the Building Code and FEMA regulations and allow for existing structures to be replaced with buildings more resistant to erosion and flooding along the coast. Phase 1 consists of a preliminary analysis and staff recommendation on whether the proposed ULDC revisions should be approved for initiation. If the BCC approves Phase 1, the Zoning Division and the applicant will coordinate for a more detailed analysis in Phase 2. The initiation authorizes staff to proceed with further review and to prepare a staff report with data and analysis for Board consideration for adoption at public hearings later in 2024

Staff Recommendation: Staff recommends approval of Phase 1 thereby initiating the request for Phase 2.

Zoning Commission: Recommended to approve Phase 1 and to initiate Phase 2 by a vote of 7-0 at the April 4, 2024 meeting.

MOTION: To approve Staff recommendation for item 11.

- END OF REGULAR AGENDA -

COMMENTS

- A. COUNTY ATTORNEY
- B. PLANNING DIRECTOR
- C. ZONING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. DEPUTY COUNTY ADMINISTRATOR
- F. COMMISSIONERS

ADJOURNMENT