



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

CONSENT AGENDA

3. ZV/PDD/DOA-2023-00955 Johns PUD

AMEND - To amend the Staff Report Exhibit C-1 depiction of the Type 2 Variance conditions as shown with deleted text struck out.

Landscape - Perimeter-Landscaping along the Property Line East of Pod D and Recreation Pod

~~Condition 1 in Exhibit C-1 as shown with the deleted text struck out and added text underlined:~~

....

Landscape - Perimeter-Landscaping along the Property Line North of Pod A and Lake 3

~~Condition 1 in Exhibit C-1 as shown with the deleted text struck out and added text underlined:~~

....

AMEND - To amend the PDD-Residential Planned Development District to modify Conditions of Approval in Exhibit C-2 as shown with deleted text struck out.

~~ALL PETITIONS~~

~~1. The approved Preliminary Master Plan is dated October 23, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: MONITORING-Zoning)~~

~~COMPLIANCE~~

~~1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING-Zoning)~~

~~2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:~~

~~a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or~~

~~b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or~~

~~c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or~~

~~d. Referral to Code Enforcement; and/or~~

~~e. Imposition of entitlement density or intensity.~~

~~Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)~~

AMEND – To amend the Development Order Amendment to modify Conditions of Approval in Exhibit C-3 as shown below with the added text underlined.

ENGINEERING

11. ~~Previous ENGINEERING Condition 11 of Resolution R-2022-44, Control No.2021-00073, which currently states:~~

NOISE MITIGATION

a. Prior to DRO certification of the Master Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy.

Is hereby amended to read:

....

13. The Property Owner shall construct pathways...

....

b. Construction shall be completed prior to issuance of the 170th Certificate of Occupancy. ~~Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy for residential units for sale within Phase 5, as shown on the approved Phasing Plan (FRP-DP).~~ (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2022-44, Control No.2021-00073)

18. Prior to the issuance of the first building permit within Pod H, or within ninety (90) days of a request by the County Engineer, whichever shall occur first,

4. W-2022-01656 Pine Trail Shopping Center

AMEND - To amend the Type 2 Waiver to correct a typo in the Staff Report and in the Conditions of Approval Waiver Chart in Exhibit C as shown with added text underlined and deleted text struck out.

| ULDC Article | Required | Proposed | Variance |
|----------------------------|-------------------------|--|---|
| 5.E.5.A Hours of Operation | 6:00 a.m. to 11:00 p.m. | <ul style="list-style-type: none"> 6:00 a.m. through 12:30 a.m. Sunday through Thursday 6:00 a.m. through 1:30 a.m. Friday, Saturday, and the day before and day of federal holidays Limited to the southernmost Indoor Entertainment tenant located within Building 9C | <ul style="list-style-type: none"> an additional hour and a half Sunday through Thursday an additional two hours and a half Friday, Saturday, and the day before and the day <u>of a</u> after federal holiday |

REGULAR AGENDA

6. Commercial Vehicles in Residential (AR/RSA) Zoning, ULDC First Reading

AMEND - To modify Staff Recommendation to require two motions as shown with added text underlined and deleted text struck out below:

Staff Recommendation: Staff recommends approval of the following:

a. That the BCC, by a majority plus one vote, elect to conduct both required advertised hearings for this item at 9:30 am, instead of holding one of the required advertised hearings after 5:00 pm. Florida Statutes Section 125.66 requires two advertised public hearings for this item, at least one of which is required to be held after 5:00 p.m. unless the BCC, by majority plus one vote, elects to conduct that hearing at another time of day.

b. Approval of first reading of an Ordinance to revise the ULDC for Item 6, and permission to advertise second reading and adoption of an Ordinance on February 22, 2024 at 9:30 a.m.

MOTION: To approve Staff recommendation for item 6.a.

MOTION: To approve Staff recommendation for item 6.b.

ADD – To add correspondence from Palm Beach Country Estates (attached)



January 22, 2024

Board of County Commissioners
Palm Beach County, Florida
301 North Olive Ave.
West Palm Beach, FL 33401

RE: Proposed changes to ULDC regarding trucks

Honorable Commissioners:

On behalf of the board of directors of the Palm Beach Country Estates Landowners Association, Inc. we are writing today to voice our strongest possible opposition to the proposed revision to the ULDC allowing semi tractor trailers. Although the proposed language does not specifically affect the area known as Palm Beach Country Estates regarding allowing semi-tractor parking on individual lots, the zoning districts are the same (i.e. AR Agricultural Residential). There is a real and genuine concern that this sets a precedence for AR zoning districts in the future. Today, after more than 50 years of development, Palm Beach Country Estates and large portions of the Acreage more functionally resemble RT or RE zoning.

Regardless of enforcement or lack of enforcement over the years, semi-tractors and trailers have never been allowed in the AR zoning district. There is absolutely no need to start now. From information provided in the back-up information summary, it appears that the changes are being considered to accommodate less than 60 individual property owners (out of over 15,000) in the area known as the Acreage that refuse to comply with existing regulations. It is one thing to attempt to correct the under-enforcement of historical code restrictions versus deliberately inviting and promoting continued future misuse of the property. The sense is that the vast majority of landowners have not voiced their opinions on the matter. You have only heard from the extremely tiny group of disgruntled truck owners and operators who are vocal and organized. If you allow semi tractor trucks and trailers and you will hear from those who you have not heard from yet. The silent majority.

In polling the property owners in Palm Beach Country Estates, the reaction is disbelief, shock, dismay, and astonishment that the board of county commissioners would even consider allowing semi-tractors in any residential zoning district.

The Acreage, Palm Beach Country Estates and the Jupiter Farms area were all developed and sold as residential properties for single-family homes. While the AR district allows some very limited and minor agricultural uses, it is a gigantic unwarranted leap to allow large scale commercial trucks with the premise that this is some sort of small, family, home-based business. That is simply ridiculous. To attempt to camouflage the use of these trucks as some form of agricultural use is disingenuous.



PO Box 30638, Palm Beach Gardens, FL 33420

Website: www.pbce.org Email: pbcegroup@gmail.com

Please simply drive next to a Wal-Mart or Amazon semi-tractor rig the next time you are on the highway. There is no way possible to picture that size truck coming home on a typical 20 foot to 24 foot width roadway and turning into a residential neighborhood lot. It is unimaginable. In fact, it is not possible without considerable maneuvering.

To give an example and provide some frame of reference, there is a round-a-bout entrance to Palm Beach Country Estates (PBCE) at the intersection of Donald Ross Road and 69th Drive North. The radius of the turn into PBCE is 70 feet. Occasionally a large moving van (semi-tractor truck) or a large semi-tractor truck/trailer enters the neighborhood for a construction site delivery. A typical semi-tractor truck cannot make the turn from Donald Ross Rd onto 69th Drive North without running over the curb on the corner in the dedicated turn lane. The radius for a turn from one street to another within PBCE is 40 feet. This is approximately the same for the Acreage. The turn cannot be made without overrunning the roadway or migrating into the oncoming lane. It would be a simple demonstration for any of the acre lot communities to prove the point.

The adoption of this proposed change is potentially dangerous and disastrous for the county, for law abiding lot owners and for the special taxing districts that are charged with the responsibility to maintain the roadways. These special districts are funded by assessments collected from all landowners. Thousands of landowners should not be paying for the unnecessary misuse of the roadways by a tiny fraction of the community. The changes are unwarranted and a very significant over-reach and over-reaction to (what should be) an almost insignificant issue. Even though this issue has been a focus of code enforcement for some time, a potential compromise should only be to simply allow some additional time (possibly as long 2 years) to allow only the very few (less than 20 according to staff reporting) current code violators to come into compliance by removing all semi-trucks/trailers.

The PBCE landowners appreciate and support the operation of homeowner owned, home-based businesses on the residential lots. A cornerstone of the ability to operate a home-based business is that it conforms to the residential character of the neighborhood. No argument can be legitimately made that the parking of a semi-tractor next to a house anywhere in the AR zoning district is in conformity of the residential character of the neighborhood. It would look more like a truck stop. For perspective, one full-size semi tractor trailer would park in approximately the same space as eight (8) cars parked side-by-side and end-to-end as close as possible to each other.

In summary, please specifically reject the proposed change to allow semi-trailer trucks anywhere in the AR zoning district and direct the staff to make **only** the minor clean up changes to truck size categories and definitions for home-based business and the increase in the fencing and hedge restrictions.

Respectfully,

Palm Beach Country Estates Landowners Association



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

Thursday, JANUARY 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
JANUARY 25, 2024

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Invocation 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. Additions, Deletions, Substitutions - **Motion** to Adopt Revisions to the Agenda
- B. Adoption of the Agenda - **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-2023-00675 Adam's Fiveplex](#) (Control 2022-00044)
Zoning Application of Adam Kharbech by Adam Kharbech, Agent.
Location: Northwest corner of Mango Drive and Gardenette Street
Project Manager: Matthew Boyd
BCC District: 3
Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.
 - a. **Title:** a Class A Conditional Use **Request:** to allow the Transfer of Development Rights in excess of 2 units per acre on 0.55 acres
Zoning Commission Action: Recommended approval of a Class A Conditional Use by a vote of 6-0-0
MOTION: To adopt a resolution approving item 1.a
 2. [DOA-2022-00509 Atlantic Christian Academy](#) (Control 1986-00114)
Zoning Application of ACA Bridge Builders LLC by Arc Development Global LLC, Agent.
Location: Southeast corner of Haverhill Road and Summit Boulevard
Project Manager: Timothy Haynes
BCC District: 3
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 **Request:** to reconfigure the Site Plan by modifying buildings and square footage, add a building, and modify phasing and Conditions of Approval on 16.85 acres
Zoning Commission Action: Recommended approval of a Development Order Amendment by a vote of 6-0-0
MOTION: To adopt a resolution approving item 2.a
 3. [ZV/PDD/DOA-2023-00955 Johns PUD](#) (Control 2021-00073)
Zoning Application of Boca Raton Associates X LLLP by Boca Raton Associates X LLLP, Agent.
Location: East and west side of Lyons Road, approximately 0.26 miles north of Glades Road
Project Manager: Imene Haddad
BCC District: 5
Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C-2 and C-3.
 - 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 70.35 acres

Zoning Commission Action: Recommended approval of an Official Zoning Map Amendment by a vote of 6-0-0

MOTION: To adopt a resolution approving item 3.a

- b. **Title:** a Development Order Amendment **Request:** to modify the Master Plan to add land area (70.35 acres) for a total 329.87 acres and to add units, and modify Conditions of Approval

Zoning Commission Action: Recommended approval of a Development Order Amendment and approved a Type 2 Variance by a vote of 6-0-0

MOTION: To adopt a resolution approving item 3.b

4. [W-2022-01656 Pine Trail Shopping Center](#) (1978-00273)

Zoning Application of Pine Trail Square LLC by Dunay Miskel and Backman LLP, Agent

Location: Southeast corner of Okeechobee Boulevard and North Military Trail **Project**

Manager: Imene Haddad

BCC District: 2

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

- a. **Title:** a Type 2 Waiver **Request:** to extended the hours of operation for an Indoor Entertainment use in Building 9C within 250 feet of a parcel of land with a residential use on 28.06 acres

Zoning Commission Action: Recommended approval of a Type 2 Waiver by a vote of 6-0-0

MOTION: To adopt a resolution approving item 4.a

– END OF CONSENT AGENDA –

REGULAR AGENDA

A. Items Pulled From Consent

B. ULDC Revisions

5. [Land Development Regulation Commission, ULDC First Reading and Adoption](#)

Summary: The item before the Board is a proposed revision to the Palm Beach County Unified Land Development Code (ULDC) to assign the land development review powers and duties to the Zoning Commission (ZC). Specifically, the changes propose to:

- Designate the ZC as the advisory body to review proposed revisions to the ULDC for recommendation to the BCC, serve as the Land Development Regulation Commission (LDRC) pursuant to F.S. § 163.3164(25) and F.S. § 163.3194, and serve as the Airport Zoning Commission pursuant to F.S. § 333.05(2);
- Sunset the Land Development Review Advisory Board (LDRAB); and
- Revise and rename the application processing requirements for Privately Initiated Amendments to streamline the ULDC and reflect current practices.

Staff Recommendation: Staff recommends approval of first reading and adoption of an Ordinance to revise the ULDC.

LDRAB/LDRC Recommendation: At the January 16, 2024 meeting, the LDRAB recommended approval of the ULDC revisions by a vote of 7 to 0. At the January 16, 2024 meeting, the LDRC made a recommendation that the proposed ULDC revisions are consistent with the Comprehensive Plan by a vote of 7 to 0.

MOTION: To adopt an Ordinance approving item 5.

6. Commercial Vehicles in Residential (AR/RSA) Zoning, ULDC First Reading

Summary: The item before the Board is a proposed revision to the "Palm Beach County Unified Land Development Code" ("ULDC" or the "Code"). Specifically, the changes propose to modify language related to commercial vehicle parking in residential zoning districts per Board direction. The proposed revisions consist of the following:

- Revise the definition for Commercial Vehicle to use classes based upon gross vehicle weight rating (GVWR);
- Reorganize Commercial Vehicle language for clarity and consistency;
- Retain the maximum Commercial Vehicle number and weight to one vehicle with a maximum of 12,500 GVWR, except for Agricultural Residential in Rural Service Area (AR/RSA) zoning which can park up to two vehicles up to 16,000 pounds GVWR;
- Increase the fence and hedge heights in AR/RSA zoning for residential properties; and
- Allow an exception for properties with two Commercial Vehicles exceeding 16,000 pounds GVWR in The Acreage Neighborhood Plan subject to standards and requirements, including incorporating BCC Direction on August 30, 2023 to:
 - Eliminate the proposed Type 2 waiver requirement for sites not meeting commercial roadway requirements.
 - Replace the proposed turning movement analysis with a flat 24 foot wide driveway width requirement.
 - Develop an option to allow applicants in the Acreage that did not own or reside on the property prior to August 30, 2023 to be part of the proposed exception. Staff is proposing a Class A approval for such sites.

Staff Recommendation: Staff recommends approval of first reading of an Ordinance to revise the ULDC for item 6 and advertise second reading and adoption on February 22, 2024 at 9:30 a.m.

LDRAB/LDRC Recommendation: At the January 16, 2024 meeting, the LDRAB recommended denial of the ULDC revisions by a vote of 5 to 2. At the January 16, 2024 meeting, the LDRC made a recommendation that the proposed ULDC revisions are consistent with the Comprehensive Plan by a vote of 7 to 0.

MOTION: To approve Staff recommendation for item 6.

- END OF REGULAR AGENDA -

COMMENTS

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

ADJOURNMENT

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