



BOARD OF COUNTY COMMISSIONERS

ZONING HEARING

Wednesday, November 29, 2023

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

OTHER DEPARTMENT ITEMS

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
NOVEMBER 29, 2023

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
- F. Amendments to the Agenda - **Motion** to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. Postponements / Remands

1. [PDD/CA-2021-00829 Delay Self Service Storage](#) (Control 1994-00053)

Zoning Application of West Atlantic Commercial Properties, LTD. by WGINC, Agent.

Location North side of Atlantic Avenue, approx. 0.25 miles west of Military Trail

Project Manager: Imene Haddad

BCC District: 5

Staff recommendation:

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 4.53 acres

Zoning Commission Action: Recommended approval of an Official Zoning Map Amendment by a vote of 9-0-0

MOTION: No motion necessary, administratively remanded to DRO.

- b. **Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant on 4.53 acres

Zoning Commission Action: Recommended approval of a Class A Conditional Use by a vote of 9-0-0

MOTION: No motion necessary, administratively remanded to DRO.

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

2. [Z/CA-2023-00660 AI Packer Fleet Services](#) (Control 2012-00292)

Zoning Application of Packer Family Limited Ptr II by JMorton Planning & Landscape Architecture, Agent

Location: East side of Military Trail, approximately 334 feet South of Elmhurst Road.

Project Manager: Imene Haddad

BCC District: 7

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C1 and C-2.

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Residential Multi-family (RM) Zoning District to the General Commercial (CG) Zoning District on 1.58 acres

Zoning Commission Action: Recommended approval of an Official Zoning Map Amendment by a vote of 7-0-1

MOTION: To adopt a resolution approving of item 2.a

- b. **Title:** a Class A Conditional Use **Request:** to allow Heavy Repair and Maintenance on 2.14 acres

Zoning Commission Action: Recommended approval of a Class A Conditional Use by a vote of 7-0-1

MOTION: To recommend approval of item 2.b

3. [ZV/DOA/W-2023-00372 Lyons Glades Center](#) (Control 1979-00106)
Zoning Application of Glades Road West Investments LLC, Boca Pier Assoc Ltd by JMorton Planning & Landscape Architecture, Agent
Location Northwest corner of Glades Road and Lyons Road
Project Manager: Donna Adelsperger
BCC District: 5
Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-2.
 - a. **Title:** a Development Order Amendment **Request:** to reconfigure the site plan; add and delete uses, and add square footage on 4.86 acres
Zoning Commission Action: Recommended approval of a Development Order Amendment by a vote of 7-0-1
MOTION: To adopt a resolution approving item 3.a

4. [DOA-2022-01140 7-Eleven Inc. 40459](#) (Control 2002-00032)
Zoning Application of 7 Eleven Inc by Gunster, Yoakley & Stewart, PA, Common Oak Engineering, Agent
Location: Southeast corner of Jog Road and Wallis Road
Project Manager: Jordan Jafar
BCC District: 2
Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C.
 - a. **Title:** a Development Order Amendment **Request** to modify the Site Plan to add pumps, and, to modify and delete Conditions of Approval on 4.62 acres
Zoning Commission Action: Recommended approval of a Development Order Amendment by a vote of 8-0-0
MOTION: To adopt a resolution approving item 4.a

5. [ABN/DOA/CA-2023-00668 Elan Palm Reserve MUPD](#) (Control 2001-00005)
Zoning Application of Elan Palm Reserve Owner LLC, Elan Palm Reserve Commercial Owner LLC by JMorton Planning & Landscape Architecture, Agent.
Location: Northeast corner of Military Trail and Hypoluxo Road
Project Manager: Donna Adelsperger
BCC District: 2
Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.
 - a. **Title:** a Development Order Abandonment **Request:** to abandon the Retail Gas and Fuel Sales with Convenience Store on 31.98 acres
Zoning Commission Action: No action required.
MOTION: To adopt a resolution approving item 5.a
 - b. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan; add and delete uses, and modify Conditions of Approval on 31.98 acres
Zoning Commission Action: Recommended approval of a Development Order Amendment by a vote of 7-0-1
MOTION: To adopt a resolution approving of item 5.b
 - c. **Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 31.98 acres
Zoning Commission Action: Recommended approval of a Development Order Amendment by a vote of 7-0-1
MOTION: To adopt a resolution approving item 5.c

C. OTHER COUNTY DEPARTMENT ITEMS

6. [AB65302 Mizner Village Pod 69A Drainage Easement Abandonment](#)

Land Development Application of Brentwood BFR, LP by WGI, Inc., Agent

Location: located north of SW 18th Street and west of Camino Del Mar

Project Manager: Scott B. Cantor, Director, Land Development Division

BCC District: 4

Staff Recommendation: Staff recommends approval of the request.

- a. Title:** Drainage Easement Abandonment **Request:** to abandon a portion of the 20-foot wide drainage easement dedicated by Boca Del Mar No. 7, according to the plat recorded in Plat Book 30, page 210; within Tract 69A, Camino Del Mar Country Club, according to the plat recorded in Plat Book 78, page 119; and within Tract A, Boca Del Mar PUD – Village Center at Mizner Village, according to the plat recorded in Plat Book 133, page 175, Public Records of Palm Beach County.

MOTION: To adopt a resolution approving item 6.a

– END OF CONSENT AGENDA –

REGULAR AGENDA

A. Items Pulled From Consent

B. Comprehensive Plan Amendments with Concurrent Zoning Applications

7. [SCA-2023-016 Cagigas Medical Center](#) (Control 1999-30103)

Future Land Use Application of Cagigas Family Holding Company, LLC – Mariela Cruz, Mgr. by Land Research Management, Inc., Agent.

Title/Request: To change the future land use designation from Commercial High with an underlying High Residential, 8 units per acre (CH/8) on 0.86 acres and Medium Residential, 5 units per acre (MR-5) on 1.25 acres to Urban Infill (UI).

Location: East side of Military Trail, approximately 0.25 miles south of Summit Blvd

Project Manager: Peter Germain

BCC District: 3

Staff Recommendation: Approval of the proposed amendment to change the future land use designation from Commercial High with an underlying High Residential, 8 units per acre (CH/8) on 0.86 acres and Medium Residential, 5 units per acre (MR-5) on 1.25 acres to Urban Infill (UI) with conditions.

Planning Commission Recommendation: PLC recommended approval with conditions in a 12 to 0 vote at the November 3, 2023 Public Hearing.

MOTION: To adopt an Ordinance for the Cagigas Medical Center FLUA amendment.

8. [Z/W-2022-01517 Cagigas Medical Center](#) (Control 1999-30103)

Zoning Application of Cagigas Family Holding Co. LLC by Land Research Management, Inc., Agent.

Location: East side of Military Trail, approximately 0.25 miles south of Summit Blvd

Project Manager: Jerome Ottey

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.

- a. Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the General Commercial (CG) Zoning District on 0.86 acres and Residential Multifamily (RM) Zoning District on 1.25 acres to the Urban Infill (UI) Zoning District on 2.11 acres

Zoning Commission Action: Recommended approval of an Official Zoning Map Amendment by a vote of 8-0-0

MOTION: To adopt a resolution approving item 8.a

- b. **Title:** a Type 2 Waiver **Request** to allow the building to be articulated so that the shortest side fronts the street; to allow a 35 percent building frontage along the primary street; and, to eliminate the pedestrian pass-through on 2.11 acres

Zoning Commission Action: Recommended approval of a Type 2 Waiver by a vote of 8-0-0

MOTION: To adopt a resolution approving item 8.b

9. [SCA-2023-022 Northlake Commercial](#) (Control 1973-00237)

Future Land Use Application of 3540 Northlake LP – Jeffrey Preston by WGI, Agent.

Title/Request: To change a future land use designation from Industrial (IND) to Commercial Low (CL).

Location: Southwest corner of Northlake Boulevard and Burma Road

Project Manager: Peter Germain

BCC District: 1

Staff Recommendation: Approval of the proposed amendment to change the future land use designation from Industrial (IND) to Commercial Low (CL) with conditions.

Planning Commission Recommendation: PLC recommended approval with conditions in a 12 to 0 vote at the November 3, 2023 Public Hearing.

MOTION: To adopt an Ordinance for the Northlake Commercial FLUA amendment.

10. [ZV/SV/PDD/CA-2023-00374 Northlake Commercial](#) (1973-00237)

Zoning Application of Northlake 3540 by WGINC, Agent

Location: Southwest corner of Northlake Boulevard and Burma Road

Project Manager: Donna Adelsperger

BCC District: 1

DISCLOSURES

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C3 and C4.

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 2.02 acres.

Zoning Commission Action: Recommended approval of an Official Zoning Map Amendment by a vote of 8-0-0

MOTION: To adopt a resolution approving item 10.a

- b. **Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 2.02 acres

Zoning Commission Action: Recommended approval of a Class A Conditional Use by a vote of 8-0-0

MOTION: To adopt a resolution approving item 10.b

C. **OTHER PZB ITEMS**

11. [Agricultural Reserve Institutional and Public Facilities with underlying Congregate Living Residential Future Land Use Conservation Easement Templates](#)

Summary: The item before the Board is to establish new Conservation Easements for Agricultural Reserve preserves are required by Comprehensive Plan policies and subsequent development order conditions specific to each zoning approval. Historically, the Board of County Commissioners approves Conservation Easements in a standardized form or template for use in specific conditions and developments. Currently, there are

templates for AGR-PUDs, AGR-TMDs, AGR-MUPDs, and Rural Parkways for those types of developments. On April 28, 2022, the Board adopted the FLUA and text amendment for All Seasons Delray Beach (LGA 2021-009), which established the CLR FLU designation in the Agricultural Reserve Tier and implementing policies (Ordinance 2022-011), including unique preserve requirements. Recent land use and zoning approvals in the Agricultural Reserve Tier for projects that employ the Institutional and Public Facilities with underlying Congregate Living Residential FLU designation, including the text amendment associated with the Erickson Senior Living Boynton Beach CCRC FLUA amendment (LGA 2023-018, Ord. 2023-035), necessitate the establishment of these new easement templates to accommodate new development. Proposed are new conservation easement templates for AGR-MUPD preserves with INST/CLR FLU.

Staff Recommendation: Staff recommends approval to establish a new Agricultural Reserve conservation easement templates for projects with the Institutional and Public Facilities with an underlying Congregate Living Residential Future Land Use designation.

MOTION: To approve staff recommendation for item 11

D. ULDC REVISIONS

12. [Commercial Pod Planned Unit Development](#), ULDC Permission to Advertise

Summary: The item before the Board is a Privately Initiated Amendment (PIA) to the Unified Land Development Code (ULDC) requesting to modify language regarding Commercial Pods of Planned Unit Developments (PUDs). The Applicant submitted the request concurrent with proposed future land use amendment and zoning applications for the Lakehaven PUD (initially called Cresswind). The Applicant is interested in providing 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. The proposal is 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 Recommendation: Staff recommends approval of permission to advertise for first reading and adoption of an ordinance at the BCC Zoning hearing concurrent with the Lakehaven PUD (PDD-2023-00989).

LDRAB Recommendation: At the November 8, 2023 meeting, the LDRAB recommended approval of the PIA by a vote of 8-4. The motion included a recommendation to increase the allowable percentage of a PUD Commercial Pod to a maximum of 5 percent. To pursue this recommendation, initiation of a subsequent revision to the ULDC would be required.

LDRC Determination: At the November 8, 2023 meeting, the LDRC determined the amendment as presented by the applicant and recommended by Staff is consistent with the Comprehensive Plan by a vote of 12-0.

MOTION: To approve staff recommendation for item 12.

13. [Commercial Vehicles in Residential \(AR/RSA\) Zoning](#), ULDC Permission to Advertise

Summary: The item before the Board is a proposed revision to the "Palm Beach County Unified Land Development Code" ("ULDC" of 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 and business related vehicle language for clarity and consistency;

- Retain the maximum business related 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;
- Allow an exception for properties with two vehicles exceeding 16,000 pounds GVWR in The Acreage Neighborhood Plan subject to standards and requirements; and,
- Increase the fence and hedge heights in AR/RSA zoning for residential properties.

Staff Recommendation: Staff recommends approval of permission to advertise for first reading of an ordinance at the BCC Zoning hearing on January 25, 2024.

MOTION: To approve staff recommendation for item 13.

- END OF REGULAR AGENDA -

COMMENTS

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

ADJOURNMENT