



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING
AMENDMENTS TO THE AGENDA
AUGUST 24, 2023**

CONSENT AGENDA

4. ZV/ABN/DOA/W-2022-01312 Posh Hospitality No 3.

ADD - To Amend the Development Order Amendment to modify Conditions of Approval in Exhibit C-2 as shown below with the added text underlined and deleted text struck out.

ALL PETITIONS

~~1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated June 20, 2023. All modifications to the Development Order must be approved by the Board of County Commissioners, unless the proposed changes are required to meet Conditions of Approval. (ONGOING: ZONING - Zoning)~~

1. The approved Preliminary Site Plan is dated June 20, 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: ZONING - Zoning)

REGULAR AGENDA

C. COMPREHENSIVE PLAN AMENDMENTS WITH CONCURRENT ZONING APPLICATIONS

6. PDD-2022-01470 EJKJ Industrial.

ADD - To modify Agenda to add Disclosure

DISCLOSURE

8. ZV/PDD/CA-2022-01785 BC Commerce

ADD - To modify Agenda to add Disclosure

DISCLOSURE

10. ZV/PDD-2022-01755 Logan Ranch Residential

ADD - To modify Agenda to add Disclosure

DISCLOSURE



BOARD OF COUNTY COMMISSIONERS

ZONING MEETING

Thursday, August 24, 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
AUGUST 24, 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
- 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. [SV/CA-2022-01490 Islamic Center School](#) (Control 2022-00007)

Zoning Application of Islamic Center of West Delray Beach Inc. by Urban Design Studio, Agent.

Location: South side of 152nd Place S, approximately 1,300 feet East of Lyons Road.

Project Manager: Vincent Stark

BCC District: 5

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

- a. **Title:** a Class A Conditional Use **Request:** to allow an Elementary and Secondary School on 9.85 acres

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

MOTION: To adopt a resolution approving item 1.a.

- b. **Title:** a Class A Conditional Use **Request:** to allow a General Daycare on 9.85 acres

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

MOTION: To adopt a resolution approving item 1.b.

- 2. [ABN/Z-2023-00330 Palm Beach County Fire Station No. 24](#) (Control 1990-00023)

Zoning Application of Palm Beach County by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Palm Beach County, Agent.

Location: Southwest corner of Westgate Avenue and Seminole Avenue.

Project Manager: Larry D'Amato

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C-1.

- a. **Title:** a Development Order Abandonment **Request:** to abandon a Special Exception for a Vehicle Sales and Rental use on 0.60 acres

Zoning Commission Recommendation: No motion required for the Development Order Abandonment.

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

- b. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Neighborhood Commercial (CN) and the General Commercial (CG) Zoning District to the Public Ownership (PO) Zoning District on 1.35 acres including a Conditional Overlay Zone recommended by Staff.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment with a Conditional Overlay Zone by a vote of 4-0-3

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

3. [DOA-2022-01120](#) **441 Lantana Storage** (Control 2002-00027)

Zoning Application of 441 Lantana Storage Limited Partnership by Schmidt Nichols, Agent.

Location West side of State Road 7/US 441 approx. 800 feet north of Lantana Road

Project Manager: Jordan Jafar

BCC District: 6

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; add square footage; and modify Conditions of Approval on 12.63 acres

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-0

MOTION: To adopt a resolution approving of item 3.a.

4. [SV/ZV/ABN/DOA/W-2022-01312](#) **Posh Hospitality No 3** (Control 1977-00031)

Zoning Application of Restoration Property Holdings Inc., Posh Hospitality No. 3, Congress Avenue LLC by Dunay, Miskel and Backman, LLP, Agent.

Location: Southeast corner of Kentucky Street and South Congress Avenue

Project Manager: Jerome Ottey

BCC District: 3

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

a. **Title:** a Development Order Abandonment **Request:** to abandon a Hotel use on 2.48 acres

Zoning Commission Recommendation: No motion required for the Development Order Abandonment.

MOTION: To adopt a resolution approving item 4.a

b. **Title:** a Development Order Amendment **Request** to reconfigure the Site Plan, add land area and access points; and to delete square footage on 2.78 acres

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-0

MOTION: To adopt a resolution approving item 4.b

c. **Title:** a Type 2 Waiver **Request** to allow an extension of the hours of operation for a Non-Residential use located within 250 feet of a parcel of land with a residential future land use designation or use on 2.78 acres

Zoning Commission Recommendation: Recommended Approval of a Type 2 Waiver by a vote of 7-0-0

MOTION: To adopt a resolution approving item 4.c

D. CORRECTIVE RESOLUTIONS

E. OTHER COUNTY DEPARTMENT ITEMS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. ZONING APPLICATIONS

C. COMPREHENSIVE PLAN AMENDMENTS WITH CONCURRENT ZONING APPLICATIONS

5. [LGA-2023-00004 EJKJ Industrial](#)

Future Land Use Amendment Application of EJKJ Development LLC by JMorton Planning & Landscape Architecture, Agent **Title/Request:** To change the Future Land Use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

Location: West side of State Road 7, approximately 0.25 miles south of Atlantic Avenue

Project Manager: Travis Goodson

Size: 8.11 acres

BCC District: 5

Staff Recommendation: Approval of the proposed amendment to change a future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) with conditions.

Planning Commission Recommendation: Recommended Approval with modifications in an 8 to 2 vote at the October 14, 2022 public hearing.

BCC Transmittal Action: Transmitted by a 7 to 0 vote at the November 28, 2022 public hearing.

State Review: The State Land Planning Agency had no comment. The Florida Fish and Wildlife Conservation Commission (FWC) provided technical comments in Exhibit 11.

MOTION: To adopt an Ordinance approving the EJKJ Industrial FLUA Amendment

6. [PDD-2022-01470 EJKJ Industrial](#) (Control 2022-00076)

Zoning Application of EJKJ Development LLC by JMorton Planning & Landscape Architecture, Agent.

Location: West side of State Road 7, approximately 0.25 mile south of Atlantic Avenue

Project Manager: Carlos Torres

BCC District: 5

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

a. **Title:** an Official Zoning Map Order Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 8.11 acres

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-1.

MOTION: To adopt a resolution approving item 6.a

7. [LGA-2023-00003 BC Commerce](#)

Future Land Use Amendment Application of Paul Dye, Kimberly Tieran, Martha Ely, Randy Ely, Randall Thorne and Randall Tim Linkous by JMorton Planning & Landscape Architecture, Agent.

Title/Request: To change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR).

Location: Northeast corner of Boynton Beach Boulevard and Acme Dairy Road

Project Manager: Jerry Lodge

SIZE: 47.21 acres

BCC District: 5

Staff Recommendation: Approval of the proposed amendment to change a future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) with conditions.

Planning Commission Recommendation: Recommended Approval with modifications in a 9 to 0 vote at the January 13, 2023 public hearing.

BCC Transmittal Action: Transmitted by a 7 to 0 vote at the February 1, 2023 public hearing.

State Review: The State Land Planning Agency had no comment. The Florida Department of Transportation (FDOT) provided technical comments in Exhibit 12.

MOTION: To adopt an Ordinance approving the BC Commerce Center FLUA Amendment

8. [ZV/PDD/CA-2022-01785 BC Commerce](#) (Control 2016-00163)

Zoning Application of Jon Channing, BC Boynton Industrial, LLC, Randall Thorne, Paul Dye by JMorton Planning & Landscape Architecture, Agent.

Location: Northeast corner of Boynton Beach Boulevard and Acme Dairy Road

Project Manager: Carlos Torres

BCC District: 5

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

a. **Title:** an Official Zoning Map Order Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 47.21 acres

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 5-1-1

MOTION: To adopt a resolution approving item 8.a

b. **Title:** a Class A Conditional Use **Request** to allow a Brewery-Distillery Manufacturing and Processing use with a Taproom on 47.21 acres

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 5-1-1

MOTION: To adopt a resolution approving item 8.b

c. **Title:** a Class A Conditional Use **Request** to allow a Limited Access Self Service Storage on 47.21 acres

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 5-1-1

MOTION: To adopt a resolution approving of item 8.c

9. [LGA-2023-00014 Logan Ranch Residential](#)

Future Land Use Amendment Application of Barbara M Logan Trust, John Bargas Trust (David Bargas) & Barbara R Dereuil Trust by JMorton Planning & Landscape Architecture, Agent.

Title/Request: To change the future land use designation from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR)

Location: Southeast corner of Boynton Beach Blvd and Acme Dairy Road

Project Manager: Jerry Lodge

Size: 39.24 acres ±

BCC District: 5

Staff Recommendation: Approval of the proposed amendment to change a future land use designation from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR) with conditions.

Planning Commission Recommendation: Recommended Approval with modifications in a 9 to 0 vote at the January 13, 2023 public hearing.

BCC Transmittal Action: Transmitted by a 7 to 0 vote at the February 1, 2023 public hearing.

State Review: The State Land Planning Agency had no comment. The Florida Department of Transportation (FDOT) provided technical comments in Exhibit 11.

MOTION: To adopt an Ordinance approving the Logan Ranch Residential FLUA Amendment.

10. [ZV/PDD-2022-01755 Logan Ranch Residential](#) (Control 2018-00187)

Zoning Application of Logan Barbara M Trust by JMorton Planning & Landscape Architecture, Agent.

Location: Southeast corner of Boynton Beach Boulevard and Acme Dairy Road.

Project Manager: Matthew Boyd

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:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 39.24 acres

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by vote of 6-0-1

MOTION: To adopt a resolution approving item 10.a

D. OTHER ZONING ITEMS

11. [Commercial Vehicles in Residential Zoning](#)

E. OTHER COUNTY DEPARTMENT ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT