



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING
AMENDMENTS TO THE AGENDA
FEBRUARY 22, 2024**

CONSENT AGENDA

4. DOA-2023-00869 Chimu MUPD

AMEND – To amend the Development Order Amendment for the overall MUPD Conditions of Approval All Petitions Condition in Exhibit C-1 as shown with the deleted text struck out and added text underlined:

3. ~~At time of application for final approval by the Development Review Officer~~ Prior to issuance of the first Certificate of Occupancy, the Property Owner shall ~~submit a revised~~ terminate the Unity of Control ~~recorded in ORB 34527 Page 491 and submit a new Unity of Control~~ to the Zoning Division and Land Development Division for review and approval, that is consistent with the requirements of Article 5.F.1., Maintenance and Use Documents, in a manner and form approved by the County Attorney. (~~DRO-CO~~: ZONING - Zoning)

4. Prior to ~~final approval by the Development Review Officer~~ issuance of the first Certificate of Occupancy, the Property Owner shall record the ~~revised new~~ Unity of Control, approved by the Zoning Division and Land Development Division, and submit to the Zoning Division a copy of the recorded document. (~~DRO-CO~~: ZONING - Zoning)



BOARD OF COUNTY COMMISSIONERS

ZONING HEARING

Thursday, February 22, 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
FEBRUARY 22, 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. 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. Disclosures for the Consent Items
- B. Zoning Applications

1. [ABN/DOA-2023-01497 Palm Beach Park of Commerce](#) (1981-00190)

Zoning Application of Palm Beach Investment Property LLC by Urban Design Studio

Location: Northwest corner of Beeline Highway and Park of Commerce Boulevard

Project Manager: Imene Haddad

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

Zoning Commission Action: Recommended approval by a vote of 5-0-0.

- a. **Title:** a Development Order Abandonment **Request:** to abandon Class A approvals for two Type 1 Restaurants with drive-through approved by Resolution R-2019-0386 and Resolution R-2019-0387 on 9.54 acres

MOTION: To adopt a resolution approving item 1.a

- b. **Title:** a Development Order Amendment **Request:** to modify the Master Plan to re-designate 7.55 acres of a General Commercial Pod to a Light Industrial Pod and to modify Conditions of Approval on 1,322.19 acres

MOTION: To adopt a resolution approving item 1.b

- c. **Title:** a Development Order Amendment **Request:** to modify the previously approved Class A for a Retail Gas and Fuel Sales with a Convenience Store to reduce land area by 7.55 acres to 1.99 acres, to reconfigure the Site Plan, and to modify Conditions of Approval

MOTION: To adopt a resolution approving item 1.c

2. [ABN/CA-2023-01142 IDDeal Home](#) (1986-00094)

Zoning Application of PFCF Bentbrook, LLC, The Intellectually Developmentally Disabled by Pulte Family Charitable Foundation

Location: East side of Bentbrook Boulevard, approx. 340 feet north of Lantana Road

Project Manager: Nancy Frontany Bou

BCC District: 3

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

Zoning Commission Action: Recommended approval by a vote of 5-0-0.

- a. **Title:** a Development Order Abandonment **Request:** to abandon an approval for a Special Exception for a Recreation Facility and Club with prior modifications on 3.27 acres

MOTION: To adopt a resolution approving item 2.a

- b. **Title:** a Class A Conditional Use **Request:** to allow a Congregate Living Facility on 3.27 acres

MOTION: To adopt a resolution approving item 2.b

3. [DOA-2023-00844 Prodigy Early Learning Center at Wellington](#) (2004-00524)

Zoning Application of Red Apple Development LLC, Wellington 204 LLC, Wellington 48 LLC by WGINC

Location: East side of State Road 7, approximately 150 feet south of Morning Mist Way

Project Manager: Lawrence D'Amato

BCC District: 6

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

Zoning Commission Action: Recommended approval by a vote of 5-0-0.

a. **Title:** a Development Order Amendment **Request:** to modify the overall Master Plan to increase the number of children allowed in the General Daycare within the Civic Pod on 36.34 acres

MOTION: To adopt a resolution approving item 3.a

b. **Title:** a Development Order Amendment **Request:** to modify the Site Plan to increase the number of children allowed in the Class A General Daycare within the Civic Pod on 36.34 acres

MOTION: To adopt a resolution approving item 3.b

4. [DOA-2023-00869 Chimu MUPD](#)(1994-00013)

Zoning Application of Prelux LLC by Urban Design Studio

Location: Northeast Corner of Hypoluxo Road and Adonis Avenue

Project Manager: Timothy Haynes

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-4.

Zoning Commission Action: Recommended approval by a vote of 5-0-0.

a. **Title:** a Development Order Amendment **Request:** to modify the Site Plan to modify uses, decrease overall building square footage, and to modify Conditions of Approval for the overall MUPD on 8.69-acres

MOTION: To adopt a resolution approving item 4.a

b. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan to relocate and delete square footage for a previously approved Class A Type 1 Restaurant with drive-through on 8.69-acres

MOTION: To adopt a resolution approving item 4.b

c. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan to relocate and delete square footage for a previously approved Class A Type 1 Restaurant with drive-through on 8.69-acres

MOTION: To adopt a resolution approving item 4.c

d. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan to relocate and delete square footage for a previously approved Class A Car Wash on 8.69 acres

MOTION: To adopt a resolution approving item 4.d

5. [DOA-2023-00534 Burlington Self Storage at Gun Club Road](#) (1974-00126)

Zoning Application of Gun Club Rd SS LLC by Urban Design Studio

Location: Northwest corner of Military Trail and Gun Club Road

Project Manager: Imene Haddad

BCC District: 3

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

Zoning Commission Action: Recommended approval by a vote of 5-0-0.

- a. **Title:** a Development Order Amendment **Request:** to modify the Site Plan to add square footage and to add a use, and to modify Conditions of Approval on 18.25 acres

MOTION: To adopt a resolution approving item 5.a

C. **Other County Department Items**

6. [AB66203 Bentbrook PFCF Right-of-Way Abandonment](#)

Land Development Application of PFCF Bentbrook, LLC by Andrew Van Valin, AICP, Agent

Location: East side of Bentbrook Boulevard, approximately 315 feet north of Lantana Road

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

BCC District: 3

Staff Recommendation: Staff recommends approval of the request.

- a. **Title:** Right-of-Way Abandonment **Request:** to abandon a portion of the 30-foot wide right-of-way lying between Tracts 84 and 109, Block 32, Palm Beach Farms Company Plat No. 3, according to the plat thereof, as recorded in Plat Book 2, pages 45 through 54, Public Records of Palm Beach County.

MOTION: To adopt a resolution approving item 6.a

7. [AB66758 Delray Lakes Estates Turnpike Wall Utility Easement Abandonment](#)

Land Development Application of the Delray Lakes Estates Homeowners' Association, Inc by Richard W. Carlson, Jr, Esq., Agent

Location: Southwest corner of Atlantic Avenue and Florida's Turnpike

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

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

- a. **Title:** Utility Easement Abandonment **Request:** to abandon two 12-foot wide utility easements lying within Delray Lakes Estates PUD, Section 20, Township 46 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 41, Pages 200 and 201, Public Records of Palm Beach County.

MOTION: To adopt a resolution approving item 7.a

- END OF CONSENT AGENDA -

REGULAR AGENDA

A. Items Pulled From Consent

B. Comprehensive Plan Amendments with Concurrent Zoning Applications

8. [LGA-2024-0001 Verdura Farms](#) (Control 2006-00017)

Future Land Use Application of 7501 S SR7 LLC, Cypress Polo Club LLC by Urban Design Studio.

Title/Request: To change the future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) on 96.14 acres with conditions; and to revise the Comprehensive Plan to expand the Trotting Center Overlay northward to include the subject site, and designate the site as a Limited Urban Service Area (LUSA).

Location: West side of State Road 7, approx. one-quarter mile south of Hypoluxo Road

Project Manager: Melissa Michael, Senior Planner & Stephanie Gregory, Principal Planner

BCC District: 6

Staff Recommendation: Staff recommends approval of the request with conditions.

Planning Commission Recommendation: PLC recommended approval with conditions in a 7 to 5 vote at the September 8, 2023 Public Hearing.

BCC Transmittal Action: Transmitted with modifications in a 7-0 vote at the November 1, 2023 Public Hearing.

MOTION: To adopt an Ordinance for the Verdura Farms FLUA and text amendment.

9. [PDD-2023-00853 Verdura Farms PUD](#) (2006-00017)

Zoning Application of 7501 S SR7 LLC, Cypress Polo Club LLC by Urban Design Studio

Location: West side of State Road 7, approx. one-quarter mile south of Hypoluxo Road

Project Manager: Matthew Boyd

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 Action: Recommended approval by a vote of 5-0-0.

- 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 96.14 acres

MOTION: To adopt a resolution approving item 9.a

C. Other County Department/Division Items

10. [PBCWUD Project No. 20-036 Green Cay Phase 2 Progressive Design-Build, WUD](#)

Summary: The item before the Board is Green Cay Phase 2, a visionary project creating new opportunities for the public to connect with the local water environment and a constructed ecosystem. This project will extend the legacy of the original Green Cay Wetlands project, transforming dozens of acres of historic farmland, into a new nature park. The difference in this project will be the construction of a state-of-the-art learning center and a two million gallon per day advanced water purification facility, feeding crystal-clear water to a constructed 26-acre lake. This project is on track to be one of the first advanced reuse facilities permitted under Florida's updated water reuse rules.

Staff Recommendation: Staff recommends a motion to conduct a public hearing to define project details and to present the features of the project which will enable the Environmental Resource Management (ERM) to provide a permit exemption as it applies to the excavation requirements defined in the United Land Development Code (ULDC).

MOTION: To approve Staff recommendation for item 10

11. Reflection Bay Community Development District (CDD), Planning Division

Application of KL Reflection Bay LLC (Petitioner)

Location: Approximately 550 feet north of Okeechobee Blvd., west of N. Haverhill Rd., and south of Century Blvd.

Project Manager: Jeff Gagnon, Deputy Planning Director

BCC District: 2

Summary: The Board of County Commissioners (BCC) has been petitioned by KL Reflection Bay LLC (Petitioner), to grant the establishment of the Reflection Bay Community Development District (CDD), pursuant to Chapter 190, Florida Statutes (F.S.). The Petitioner has requested the general powers typical of a CDD, as well as special powers set forth in Chapter 190.012, F.S., which would allow the Petitioner to establish, operate and maintain infrastructure for water drainage and management, wastewater systems, landscaping/hardscaping/irrigation, and other improvements required to construct Reflection Bay; Pod B of the Southampton Planned Unit Development (PUD). CDD assessments will be required to be paid in addition to Home Owner Association (HOA) fees and all other applicable property taxes, including both ad valorem and non-ad valorem taxes. This staff report provides a review of the petition for consistency with the six statutory factors identified in Chapter 190, F.S., as well as previous BCC direction on CDDs. The staff recommendation herein is based on findings of consistency with Chapter 190, F.S., however, final approval or denial of this petition is at the discretion of the BCC.

Staff Recommendation: Staff recommends approval of the request to approve the establishment of the Reflection Bay Community Development District, as the petition is consistent with the six statutory factors set forth in Chapter 190 Florida Statutes and previous Board direction regarding the prohibition of off-site improvements and mandatory enhanced disclosure requirements to future homebuyers.

a. Title/Request: To approve the establishment of the Reflection Bay Community Development District (CDD), pursuant to Chapter 190, F.S.

MOTION: To adopt an ordinance approving item 11.a

D. ULDC Revisions

12. Commercial Vehicles in Residential (AR/RSA) Zoning, ULDC Second 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;
- Revise the Home Occupation language to rename to Home-based Business and begin updating language for consistency with latest statute language;
- 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 with a Home-based Business; and,
- Increase the fence and hedge heights in AR/RSA zoning for residential properties.

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

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.

BCC First Reading: At the January 25, 2024 BCC Meeting, a motion to approve first reading and permission to advertise for second reading as modified at the hearing to remove the exception for the Acreage Neighborhood Plan area passed by a vote of 4-2.

MOTION: To adopt an ordinance approving item 12.

- END OF REGULAR AGENDA -

COMMENTS

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

ADJOURNMENT