



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING
AMENDMENTS TO THE AGENDA
MAY 25, 2023**

REGULAR

9. Title: Residential Zoning Follow-up, ULDC

AMEND – To amend the Agenda Title as shown below with added text underlined and deleted text stuck out.

Title: Residential Zoning Follow-Up, ULDC ~~Permission to Advertise~~ First Reading and Adoption

10. Title: Employee Housing, ULDC

AMEND – To amend the Agenda Title and summary as shown below with added text underlined and deleted text stuck out.

Title: Employee Housing, ULDC First Reading and ~~Permission to Advertise~~ for Adoption

Summary: The item before the Board is first reading of an ordinance to modify the Unified Land Development Code (ULDC) to establish a new type of accessory living quarters for Employee Housing, including related changes. The proposed changes are outlined below:

- Establish “Employee Housing” as an accessory living quarters use to Recreation uses, consisting of Golf Courses and/or Clubhouses, subject to Class A Conditional Use approval subject to specific Standards for location, number of employees, and building type, and ~~requirement for a restrictive covenant~~ prohibiting a change to another residential use.



BOARD OF COUNTY COMMISIONERS

ZONING MEETING

Thursday, May 25, 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
MAY 25, 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. [CA-2022-01786 K9 Spa and Training](#) (Control 2022-00099)

Zoning Application of Michael Grushoff by Land Research Management Inc., Agent.

Location: South side 60th Place N, approximately 0.25 miles West of Hall Road.

Project Manager: Donna Adelsperger

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 Class A Conditional Use **Request:** to allow a Limited Pet Board Facility on 2.19 acres

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 8-0-0.

MOTION: To adopt a resolution approving item 1.a

2. [DOA-2022-01247 Babcock PUD](#) (Control 1985-00054)

Zoning Application of PS Florida One, Inc. by Government Law Group, and BOHLER Engineering, Agent.

Location: Southwest corner of West Atlantic Avenue and Tranquility Lake Drive

Project Manager: Jordan Jafar

BCC District: 5

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 modify the Master Plan, modify Conditions of Approval and to delete 1.93 acres from the previously approved 42.03 acre PUD

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 8-0-0.

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

3. [ZV/ZICA-2022-01246 Public Storage - Tranquility](#) (Control 2021-00139)

Zoning Application of PS Florida One, Inc. by Government Law Group, and BOHLER Engineering, Agent

Location: Southwest corner of West Atlantic Avenue and Tranquility Lake Drive

Project Manager: Jordan Jafar

BCC District: 5

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

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Community Commercial (CC) Zoning District on 1.93 acres

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-0-0.

MOTION: To adopt a resolution approving item 3.a

- b. **Title:** a Class A Conditional Use **Request:** to allow a Limited Access Self-Service Storage on 1.93 acres

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 8-0-0.

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

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. COMPREHENSIVE PLAN AMENDMENTS WITH CONCURRENT ZONING APPLICATIONS

4. [LGA-2023-00006, SR 7 Business Plaza](#), Large Scale Future Land Use Amendment

Title/Request: To change the Future Land Use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

Future Land Use Amendment Application of JDS Delray LLC – Joseph Mulvehill, BBX Logistics Properties, LLC (Mark Levy), JDS Delray LLC – Suzanne Mulvehill, JDS Delray LLC – James Mulvehill, JDS Delray LLC – Diane Mulvehill by JMorton Planning & Landscape Architecture, Agent.

Location: North side of Happy Hollow Road, approx. 0.3 miles west of Smith Sundry Road, west of SR7

Project Manager: Travis Goodson

Size: 40.00 acres+

BCC District: 5

Staff Recommendation: Staff recommends denial of the proposed amendment to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR). However, should the Board adopt the amendment, staff recommends the request be subject to the conditions indicated in Exhibit 1.

Planning Commission Recommendation: The PLC recommended approval with conditions in a 7 to 3 vote at the November 4, 2022 Public Hearing.

BCC Transmittal Action: The BCC transmitted (with no modifications) in a 6 to 1 vote at the November 28, 2022 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 SR 7 Business Plaza FLUA Amendment.

5. [ZV/PDD-2022-01469 State Road 7 Business Plaza](#) (Control 2022-00057)

Zoning Application of JDS Delray LLC – Joseph Mulvehill, BBX Logistics Properties, LLC (Mark Levy), JDS Delray LLC – Suzanne Mulvehill, JDS Delray LLC – James Mulvehill, JDS Delray LLC – Diane Mulvehill by JMorton Planning & Landscape Architecture, Agent.

Location: North side of Happy Hollow Road, approx. 0.3 miles west of Smith Sundry Road, west of SR7

Project Manager: Cody Sisk

BCC District: 5

DISCLOSURE

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 40.00 acres

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-1.

MOTION: To adopt a resolution approving item 5.a

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

6. [Z/CA-2021-02123 Towns at Tidewater](#) (Control 2014-00014)

Zoning Application of Medjool Nurseries LLC by JMorton Planning & Landscape Architecture, Agent.

Location: South side of Hypoluxo Road, approximately 0.83 miles east of Jog Road.

Project Manager: Donna Adelsperger

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests with a Conditional Overlay Zone (COZ) and subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District on 9.24 acres, including a Conditional Overlay Zone recommended by Staff

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-1.

MOTION: To adopt a resolution approving item 6.a

b. **Title:** a Class A Conditional Use **Request:** to allow Townhouse dwelling units on 9.24 acres

Zoning Commission Recommendation: Recommended Denial of a Class A Conditional Use by a vote of 7-0-1.

MOTION: To adopt a resolution approving item 6.b

c. **Title:** a Class A Conditional Use **Request:** to allow a combined density greater than two units per acre through the Workforce Housing and Transfer of Development Rights programs on 9.24 acres

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 7-0-1.

MOTION: To adopt a resolution approving of item 6.c

D. SPECIAL MAGISTRATE AND ZONING APPLICATIONS

7. [ZV/ABN/DOA-2021-01529](#) Palm Beach Industrial MUPD (Control 1997-00034)

Zoning Application of Palm Beach International Raceway, LLC, Moroso Investment Partners II, LLC, Moroso Investment Partners LLC by Lewis Longman & Walker PA, Agent, and consideration of the Special Magistrate’s Recommendation concerning the same applications.

Location: North side of Bee Line Highway, approx. 1 mile west of Pratt Whitney Road

Project Manager: Timothy Haynes

BCC District: 1

DISCLOSURE

Staff Recommendation: Staff recommends acceptance of the Special Magistrate’s Recommendation, and approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1.

a. Title: Special Magistrate’s Recommendation under Section 70.51, Fla. Stat. **Request:** to accept, modify, or deny the Special Magistrate’s Recommendation on the subject applications pursuant to Section 70.51, Fla. Stat.

MOTION: To accept Special Magistrate’s Recommendation as item 7.a

b. Title: a Development Order Abandonment **Request:** to abandon an Arena, Auditorium or Stadium; Indoor/Outdoor Entertainment; Auto Paint and Body; Convenience Store with Gas Sales; Manufacturing and Processing; Vehicles Sales and Rental; an Electronic Message Center; and, the Alternative Sign Plan on 174.38 acres

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

MOTION: To adopt a resolution approving of item 7.b

c. Title: a Development Order Amendment **Request:** to reconfigure the site plan; delete and modify uses; and, modify Conditions of Approval on 186.38 acres

Zoning Commission Recommendation: Recommended Denial of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving of item 7.c

E. ULDC REVISIONS

8. Title: [Public Notice and Postponements, First Reading and Adoption](#)

Summary: The item before the Board is first reading and adoption of an ordinance to modify the Unified Land Development Code (ULDC) to revise and update the requirements for public notice and postponements, including:

- Revising certified mail to first class mail for courtesy notices for public hearing Zoning applications including Golf Course Modifications.
- Revising references to newspaper advertisements ‘public notice’ to accommodate changes to Florida Statutes.
- Modify courtesy notice boundaries for Type 1 Variances and within the Glades Tier for internal consistency.
- Requiring written notice to affected Property Owners for all County Initiated rezonings for internal consistency.
- Modifying ‘by right’ postponement deadlines to allow administrative approval prior to the publication of the agenda packet and Staff Reports.
- Revise Future Land Use Atlas amendment notification for internal consistency.

Staff Recommendation: Staff recommends adoption of the Ordinance to amend the ULDC.

LDRAB Recommendation: The LDRAB met on March 8, 2023 and recommended approval by a vote of 11-0.

LDRC Determination: The LDRC met on May 10, 2023 and determined the amendment is consistent with the Comprehensive Plan by a vote of 12-0.

MOTION: To adopt an Ordinance approving item 8.

9. **Title:** [Residential Zoning Follow-Up, ULDC Permission to Advertise](#)

Summary: The item before the Board is first reading and adoption of an ordinance to modify the Unified Land Development Code (ULDC) as a follow up to two recently adopted ordinances. Specifically, the changes propose to:

- To delete references to the Electronic Changeable Copy Message Sign Pilot Program that are obsolete with the adoption of Ord. 2022-029.
- To correct references and clarify language to prior zoning districts, property development regulations, and headings for consistency with the adoption of Ord. 2023-009, and to return language for reduced setbacks for accessory living quarters in Agricultural Residential zoning that was inadvertently removed.

Staff Recommendation: Staff recommends adoption of the Ordinance to amend the ULDC.

LDRAB Recommendation: The LDRAB met on May 10, 2023 and recommended approval by a vote of 10-0.

LDRC Determination: The LDRC met on May 10, 2023 and determined the amendment is consistent with the Comprehensive Plan by a vote of 12-0.

MOTION: To adopt an Ordinance approving item 9.

10. **Title:** [Employee Housing, ULDC Permission to Advertise](#)

Summary: The item before the Board is first reading of an ordinance to modify the Unified Land Development Code (ULDC) to establish a new type of accessory living quarters for Employee Housing, including related changes. The proposed changes are outlined below:

- Establish "Employee Housing" as a accessory living quarters use to Recreation uses, consisting of Golf Courses and/or Clubhouses, subject to Class A Conditional Use approval subject to specific Standards for location, number of employees, and building type, and requirement for a restrictive covenant prohibiting a change to another residential use.
- Modify Accessory Quarter to remove language requiring the kitchen removal agreement and adding language to allow property owners to reside in an accessory living quarter.
- Clarify accessory living quarters for internal consistency.

Staff Recommendation: Staff recommends approval of first reading of an ordinance to revise the ULDC for item 10 and advertise second reading and adoption on Thursday, June 22, 2023 at 9:30 a.m.

LDRAB Recommendation: The LDRAB met on May 10, 2023 and recommended approval by a vote of 11-1.

LDRC Determination: The LDRC met on May 10, 2023 and determined the amendment is consistent with the Comprehensive Plan by a vote of 12-0.

MOTION: To approve on first reading and permission to advertise second reading for item 10.

11. Title: [PIA-2023-00595, Commercial Pod PUD - PIA Initiation](#)

Summary: The item before the Board is consideration of initiation of a privately proposed amendment (PIA) to the ULDC (Phase 1). If this item is initiated by the Board, staff will process the application and return for first reading and adoption as part of Phase 2.

The request proposes 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 5%; and
- Modify the location requirements for the Commercial Pod of a PUD from limiting to internal to the PUD to allowing along the periphery of a PUD, for example on a major roadway, provided that the Commercial Pod has access through a shared access drive into the PUD.

Staff Recommendation: To initiate the proposed PIA (Phase 1).

LDRAB Recommendation: On May 10, 2023, the LDRAB recommended initiation by a vote of 12-0.

MOTION: To approve Staff recommendation for item 11.

12. Title: [PIA-2023-00528, Rural Event Venue - PIA Initiation](#)

Summary: The item before the Board is consideration of initiation of a privately proposed amendment (PIA) to the ULDC (Phase 1). If this item is initiated by the Board, staff will process the application and return for first reading and adoption as part of Phase 2. This request proposes to establish a new use as detailed below:

- Establish a 'Rural Event Venue' use in Article 4, Use Regulations, in order to establish an assembly use for special functions such as weddings, receptions, corporate meetings, or similar gatherings in association with uses such as botanical gardens, eco-tourism, conservancies, museums, exhibition halls, cultural centers, recreational facilities, and community services.
- Require that the 'Rural Event Venue' is related to or in support of agriculture, the preservation of environmental resources, or the protection of specific ecological resources
- Allow the new use in Agricultural Reserve Zoning district subject to criteria such as location requirements, acreage thresholds, approval process, maximum square footage, hours of operation, and parking requirements

Staff Recommendation: To initiate the proposed PIA (Phase 1).

LDRAB Recommendation: On May 10, 2023, the LDRAB recommended initiation by a vote of 8-3-1.

MOTION: To approve Staff recommendation for item 12.

END OF REGULAR AGENDA

COMMENTS

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

ADJOURNMENT