



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING  
AMENDMENTS TO THE AGENDA  
SEPTEMBER 28, 2023**

**CONSENT AGENDA**

1. SV/CA-2022-01490 Islamic Center School

**REVISE AGENDA - To move this Item to Regular Agenda**

5. DOA-2023-00658 BrandX Pointe

**REPLACE - To revise the Staff Report** to replace Exhibit H Proposed Termination and Release of Restrictive Covenant with the attached Release of Restrictive Covenant (see Attachment A)

**REGULAR AGENDA**

9. DOA/CA/W-2022-00995 Tropical World Nursery

**ADD - To amend the Development Order Amendment** Conditions of Approval to modify Conditions of Approval in Exhibit C-1 as shown below with the added text underlined and deleted text struck out

**ENGINEERING**

1. Previous ENGINEERING Condition 1 of Resolution R-2010-673, Control No.2005-00452, which currently states:

~~Previous Condition E1 of Resolution R-2006-522, Control No. 2005-452, which currently states:~~

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

**Is hereby amended to read:....(Omitted for brevity)**

**ADD - To add the Type 2 Waiver Chart as note below:**

Waiver	ULDC Article	Required	Proposed	Waiver
W1	Article 4.B.1.C.1.e.2)	1,200 feet separation between proposed and existing CLF with more than 14 residents	100-feet of separation	To reduce the separation by 1,100 feet.

## Attachment A

This instrument prepared by (and after recording should be returned to:

Matthew Barnes  
WGI, Inc.  
2035 Vista Parkway  
West Palm Beach, FL 33411

(Space Reserved for Clerk of Court)

### TERMINATION AND RELEASE OF RESTRICTIVE COVENANT

**THIS TERMINATION AND RELEASE OF RESTRICTIVE COVENANT** is made as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **HRC INVESTMENT GROUP, LLC, a Florida limited liability company**, having an address of 348 Davis Road, Palm Springs, FL 33461 (the "Owner") and **PALM BEACH COUNTY**, a political subdivision of the State of Florida, having an address of 2300 North Jog Road, 2<sup>nd</sup> Floor, West Palm Beach, Florida 33411 (the "County"), for the express purpose of terminating and forever releasing and discharging the "Restrictive Covenant" (as hereinafter defined).

#### **RECITALS:**

WHEREAS, Owner holds title in fee simple in and to the real property legally described on Exhibit "A", attached hereto and made a part hereof (the "Property"); and

WHEREAS, Owner's predecessor in title to the Property ("Prior Owner") recorded a Master Declaration of Restrictive Covenants for Workforce Housing on February 27, 2007 in Official Records Book 21454, Page 386, Public Records of Palm Beach County, Florida (the "Restrictive Covenant"), against the Property in connection with Prior Owner's plans to develop the Property as a multifamily residential development pursuant to the Zoning Map Amendment with a Conditional Overlay Zone ("COZ") approved via Resolution No. R-2006-1197 ("Prior Approval"); and

WHEREAS, the Prior Owner let the Prior Approval lapse and the Prior Approval has no further force and effect; and

WHEREAS, Owner is applying for a Development Order Amendment to delete the conditions associated with the COZ of the Prior Approval so that Owner can develop the Property pursuant to current County zoning regulations; and

WHEREAS, the Restrictive Covenant is no longer required because the Prior Approval is null and void; and

WHEREAS, Owner now desires to terminate the Restrictive Covenant, which by its terms cannot be extinguished or terminated without the written approval of the Palm Beach County Board of County Commissioners; and

WHEREAS, the County has agreed to consent and allow the termination, release and discharge of the Restrictive Covenant.

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and County, intending to be legally bound, do hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference as if repeated at length.

2. Effective as of the date hereof, the Restrictive Covenant is hereby terminated, released and discharged in its entirety; shall be of no further force or effect; and no longer a burden or encumbrance on title to the Property. The parties hereby direct the Clerk of Official Records, Palm Beach County, Florida, to cancel same of record.

[Signatures and notary acknowledgements follow on the next pages]

IN WITNESS WHEREOF, this instrument has been executed as of the day and year first above written.

OWNER: \_\_\_\_\_

Witnesses:

By: HRC Investment Group, LLC, a Florida  
limited liability company

By: Hector Cabrera  
Title: Manager

[Signature]  
Printed Name: Ernie Jackson

[Signature]  
Printed Name: Richard Espino

STATE OF Florida )  
COUNTY OF Palm Beach ) ss:

The foregoing instrument was acknowledged before me this 11 day of July, 2023 by Hector Cabrera, as Manager of HRC Investment Group, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification.

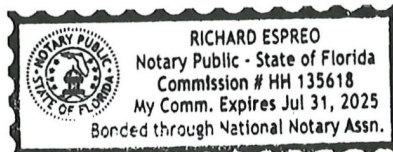
[NOTARIAL SEAL]

Notary Public, State of Florida

My Commission Expires:

[Signature]  
Typed, Printed or Stamped Name of Notary Public

[EXECUTION BY PALM BEACH COUNTY ON FOLLOWING PAGE]



JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD  
OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY


By:  \_\_\_\_\_  
County Attorney

EXHIBIT "A"

PARCEL A AND TRACT B, ATRIA LANTANA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGE 134, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



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**BOARD OF COUNTY COMMISSIONERS**

**ZONING MEETING**

**Thursday, September 28, 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](http://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**  
**SEPTEMBER 28, 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. [DOA-2022-1119](#) **Southampton PUD** (Control 1973-00215)

**Zoning Application of** Southampton A Condominium Association, Inc., KL Reflection Bay LLC, Southampton B Condominium Association, Inc., Southampton C Condominium Association, Inc., Benenson Capital Co by WGINC, Agent.

**Location:** Southwest corner of Century Road and Haverhill Road, approximately 630 feet north of Okeechobee Boulevard

**Project Manager:** Imene Haddad

**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 Master and Site Plans; add land area, units, and access points; and to modify Conditions of Approval on 80.98 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 2.a.

3. [DOA-2022-01227 Mt. Carmel Missionary Baptist Church](#) (Control 1995-00049)

**Zoning Application of** Mt. Carmel Baptist Church by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Agent.

**Location:** North side of Church Street, approximately 0.25 mile west of N. Central Blvd.

**Project Manager:** Larry D'Amato

**BCC District:** 1

**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 delete land area (2.99 acres) from an existing 8.15 acre approval; and to reconfigure the site plan for the remaining 5.16 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 3.a

4. [DOA-2022-01078 Tree Top Academy](#) (Control 1989-00066)

**Zoning Application of** Treetop Academy of Jupiter LLC by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Agent.

**Location** North side of Church Street, approximately. 0.26 miles west of N. Central Boulevard

**Project Manager:** Larry D'Amato

**BCC District:** 1

**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 add land area (2.99 acres) for a total of 4.49 acres; to reconfigure the site plan, to modify conditions of approval; and increase the number of students

**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.a.

5. [DOA-2023-00658 BrandX Pointe](#) (Control 2005-00370)

**Zoning Application of** HRC Investment Group LLC by WGINC, Agent.

**Location:** Southeast corner of Congress Avenue and Donnelly Drive

**Project Manager:** Vincent Stark

**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 delete the Conditions of Approval and remove the Conditional Overlay Zone (COZ) on 4.08 acres

**Zoning Commission Recommendation:** Recommended Approval of a Development Order Abandonment by a vote of 7-0-0.

**MOTION:** To adopt a resolution approving item 5.a

- b. **Title:** a Release of Restrictive Covenant **Request** to allow the Release of the Restrictive Covenant on 4.08 acres

**Zoning Commission Recommendation:** None Required

**MOTION:** To approve item 5.b

6. [ZV/DOA-2021-01932 Chick-Fil-A at Western Plaza](#) (Control 1977-00048)

**Zoning Application of** Chick Fil A Inc. by Interplan LLC, Agent.

**Location:** Southeast corner of Southern Boulevard and SR 7/US 441

**Project Manager:** Donna Adelsperger

**BCC District:** 6

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

- a. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan and add building square footage for the MUPD on the 32.86 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 6.a

- b. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan; and, add square footage and drive-through lanes for a Type 1 Restaurant on 0.97 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 6.b

D. **STATUS REPORT WITH REZONING**

7. [CTR-2020-00060-1 Rice Project Status Report](#) (Control 2020-00060)

**Zoning Application of** Gregory Rice.

**Location:** South side of Belvedere Road, approximately 500 feet east of N Jog Road

**Project Manager:** Bruce Thompson

**BCC District:** 2

**Staff Recommendation:** Staff recommends approval of staff recommendation to rezone the property.

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Single Family Residential (RS) Zoning District with a Conditional Overlay Zone (COZ) to the Agricultural Residential (AR) Zoning District on 2.08 acres.

**MOTION:** To approve staff recommendation on Item 7.a

**END OF CONSENT AGENDA**

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT
- B. COMPREHENSIVE PLAN AMENDMENTS WITH CONCURRENT ZONING APPLICATIONS

8. [SCA-2023-013 Tropical World Nursery](#)

**Future Land Use Amendment Application of** KT Boynton Tropical LLC by Cotleur & Hearing Inc, Agent **Title/Request:** To change the Future Land Use designation from Low Residential 3 (LR-3) to Congregate Living Residential with an underlying Low Residential 3 (CLR/3)

**Location:** East side of Hagen Ranch Road, approx. 0.5 miles south of Woolbright Road

**Project Manager:** Melissa Michael

**Size:** 8.94 acres

**BCC District:** 5

**Staff Recommendation:** Approval of an amendment to change a future land use designation from Low Residential 3 (LR-3) to Congregate Living Residential with an underlying Low Residential 3 (CLR/3) with conditions.

**Planning Commission Recommendation:** Recommended Approval with Conditions in a 9 to 0 vote at the September 11, 2023 public hearing.

**MOTION:** To adopt an Ordinance approving the Tropical World Nursery FLUA Amendment.

9. [DOA/CA/W-2022-00995 Tropical World Nursery](#) (Control 2005-00452)

**Zoning Application of** KT Boynton Tropical LLC by Cotleur & Hearing Inc., Agent.

**Location:** East side of Hagen Ranch Road, approx. 0.5 miles south of Woolbright Road

**Project Manager:** Joyce Lawrence

**BCC District:** 5

**DISCLOSURE**

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

- a. **Title:** a Development Order Amendment **Request:** to reconfigure the Master and Site Plans; add and delete uses; and to modify Conditions of Approval on 8.94 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 9.a

- b. **Title:** a Class A Conditional Use **Request:** to allow a Congregate Living Facility on 8.94 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 9.b

- c. **Title:** a Type 2 Waiver **Request:** to reduce the separation between Congregate Living Facilities on 8.94 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 9.c

## D. ULDC REVISIONS

### 10. **Workforce Housing Program and Transfer of Development Rights Program, ULDC Permission to Advertise**

**Summary:** The item before the Board is a request for permission to advertise for proposed revisions to the Workforce Housing Program (WHP) and the Transfer of Development Rights (TDR) in the Unified Land Development Code (ULDC). Specifically, the revisions propose to:

- Replace the annual report process with real-time compliance determination process, and establish a compliance threshold;
- Replace the outdated utility allowance concept with a fee structure wherein non-metered utilities and fees outside the control of the tenant cannot be charged above the WHP rent;
- Clarify existing aspects of the WHP, update terms, relocate provisions to reflect order of steps, and remove obsolete text; and
- Exempt TDR requests that are concurrent with requests for future land use amendments from a separate Class A approval.

**Staff Recommendation:** Staff recommends approval of permission to advertise for first reading and adoption of an ordinance at the BCC Zoning hearing on October 26, 2023 beginning at 9:30 a.m.

**LDRAB Recommendation and LDRC Determination:** This item will be presented to the LDRAB/LDRC on October 11, 2023.

**MOTION:** To approve staff recommendation for item 10

## E. OTHER PZB ITEMS

### 11. **Lakehaven PUD Comprehensive Plan Text Amendment Modification**

**Summary:** The item before the Board is to consider modifications to a previously initiated privately proposed text amendment to add an exemption from the long range traffic requirement in Future Land Use Element (FLUE) Policy 3.5-d for the Lakehaven PUD amendment. On November 3, 2021, the BCC initiated the applicant's privately proposed text amendment to the Plan to expand the Glades Area Protection Overlay (GAPO) eastward to the 446.14 acre subject site and designate the site as a Limited Urban Service Area (LUSA). The original associated future land use amendment application for this site, previously known as Cresswind PUD, proposed 892 single family and zero lot line units (age-restricted for persons 55 years and older). The amendment was postponed by the Board at the November 28, 2022 BCC Transmittal Hearing. Subsequently, the applicant proposed a development plan for 480 single family and 54 WHP restricted townhome units, including 47,000 square feet of commercial. The conversion of the proposed development plan to a non-age restricted housing product resulted in a failure of the long range traffic requirement in FLUE Policy 3.5-d on a segment of Southern Boulevard (SR 80) from Seminole-Pratt Whitney Road to Binks Forest Drive. Therefore, the applicant has requested a modification to the previously initiated text amendment in order to add an exemption for this site from this requirement of the Comprehensive Plan.

**Staff Recommendation:** Staff recommends to initiate the text amendment modification.

**MOTION:** To approve staff recommendation for item 11

12. [Essential Housing Conservation Easement Template](#) for Agricultural Reserve Multiple Use Planned Development preserves with Essential Housing Future Land Use

**Summary:** 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. Recent land use approvals in the Agricultural Reserve Tier for projects that employ the Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) preserves with Essential Housing (EH) Future Land Use designation necessitate the establishment of these new AGR-MUPD easement templates to accommodate new development.

**Staff Recommendation:** Staff recommends approval to establish a new Conservation Easement template for AGR-MUPDs with EH Future Land Use designations.

**MOTION:** To approve staff recommendation for item 12

**END OF REGULAR AGENDA**

**COMMENTS**

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

**ADJOURNMENT**