



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY APRIL 23, 2015

9:30 A.M. 6TH FLOOR

JANE M. THOMPSON MEMORIAL CHAMBERS

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Adoption of Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.



**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

APRIL 23, 2015

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer 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. Motion to Adopt Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. [DOA-2014-02096](#) Title: a Development Order Amendment application of Liberty Property Limited Partnership by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan, add square footage, modify Conditions of Approval (Use Limitation and Landscaping) and allow an alternative landscape barrier in the Palm Beach International Airport Overlay (PBIAO) and in the Multiple Use Planned Development (MUPD).

General Location: East of Jog Road; north side of Southern Boulevard. **(Southern Light Industrial Park)** (Control 2001-00064)

Pages: 1 - 1

Project Manager: Hank Flores

Size: 68.80 acres ±

BCC District: 2

Staff Recommendation: Staff recommends a postponement to Thursday, May 28, 2015.

MOTION: To postpone to Thursday May 28, 2015.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 2. [SV/DOA/CA-2014-02087](#) Title: a Development Order Amendment application of Atlantic Commons Associates LLLP by Atlantic Commons Associates LLLP, Agent. Request: to modify Conditions of Approval (Engineering).

Title: a Class A Conditional Use of Atlantic Commons Associates LLLP by Atlantic Commons Associates LLLP, Agent. Request: to allow a Type I Restaurant with drive through.

General Location: West of Stone Quarry Boulevard; north of Atlantic Avenue. (**Atlantic Commons Commercial**) (Control 2012-00646)

Pages: 2 - 28

Conditions of Approval (7 - 13)

Project Manager: Osniel Leon

Size: 4.99 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests of the Development Order Amendment and the Class A Conditional Use subject to the 10 Conditions of Approval as indicated in Exhibit C-2, and 8 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended approval of the requests with votes of 5-0-1.

MOTION: To adopt a resolution approving a Development Order Amendment to modify Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Type I Restaurant with drive through subject to the Conditions of Approval as indicated in Exhibit C-3.

F. CORRECTIVE RESOLUTIONS

- 3. **CRB-2015-00594** Title: a Corrective Resolution application of Delray Beach Associates I, LLC by Palm Beach County Planning Zoning and Building, Agent. Request: a corrective resolution to correct the legal description for an Official Zoning Map Amendment to a Planned Development District as contained in Resolution R-2015-0008. General Location: South of Boynton Beach Boulevard and east of and adjacent to Lyons Road. (**Canyon Isles AGR PUD**) (Control 2002-00068)

Pages: 29 - 32

Project Manager: Donna Adelsperger

Size: 38.69 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Corrective Resolution to correct the legal description for an Official Zoning Map Amendment to a Planned Development District as contained in Resolution R-2015-0008.

- 4. **CRB-2015-00595** Title: a Corrective Resolution application of Delray Beach Associates I, LLC by Palm Beach County Planning Zoning and Building, Agent. Request: a corrective resolution to correct the legal description for an Official Zoning Map Amendment to a Planned Development District as contained in Resolution R-2015-0010.

General Location: - South of Boynton Beach Boulevard at the terminus of Acme Dairy Road.

- North of Boynton Beach Boulevard and west of and adjacent to Lyons Road. (**Valencia Cove AGR PUD**) (Control 2004-00369)

Pages: 33 - 38

Project Manager: Donna Adelsperger

Size: 135.18 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a corrective resolution approving a Corrective Resolution to correct the legal description for an Official Zoning Map Amendment to a Planned Development District as contained in Resolution R-2015-0010.

- 5. **CRB-2015-00597** Title: a Corrective Resolution application of Delray Beach Associates I, LLC by Palm Beach County Planning Zoning and Building, Agent. Request: a corrective resolution to correct the legal description for a Development Order Amendment as contained in Resolution R-2015-0011.

General Location: - South of Boynton Beach Boulevard at the terminus of Acme Dairy Road.

- North of Boynton Beach Boulevard and west of and adjacent to Lyons Road (affected Preserve Area). (**Valencia Cove AGR PUD**) (Control 2004-00369)

Pages: 39 - 59

Project Manager: Donna Adelsperger

Size: 1,408.00 acres ±

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Corrective Resolution to correct the legal description for a Development Order Amendment as contained in Resolution R-2015-0011.

- 6. **CRB-2015-00591** Title: a Corrective Resolution application of Boynton Beach Associates XXII LLLP by Palm Beach County Planning Zoning and Building, Agent. Request: a corrective resolution to correct the legal description for an Official Zoning Map Amendment as contained in Resolution R-2015-0007.

General Location: Northwest corner of Lyons Road and Boynton Beach Boulevard. (**Amestoy AGR**) (Control 2005-00162)

Pages: 60 - 62

Project Manager: Donna Adelsperger

Size: 183.83 acres ±

BCC District: 5,6

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Corrective Resolution to correct the legal description for an Official Zoning Map Amendment as contained in Resolution R-2015-0007.

G. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

- 7. [LGA-2015-00001](#) Title: HarborChase of Wellington Crossing application of Bethel Assembly Of Lake Worth FI Inc by Urban Design Kilday Studios, Agent. Request: To change the future land use designation from Low Residential 2 units per acre (LR-2) to Institutional and Public Facilities with an underlying 5 units per acres (INST/5).
General Location: Northwest corner of Lake Worth Road and Blanchette Trail. **(HarborChase of Wellington Crossing)** (Control 2004-00009)

Pages: 63 - 98

Conditions of Approval (73 - 73)

Project Manager: Sussan Gash

Size: 18.28 acres ±

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval subject to 2 Conditions of Approval.

Planning Commission Recommendation: Recommended Approval with a vote of 14-0.

Board of County Commissioners Transmittal Public Hearing: Transmitted with a Condition of Approval with a vote of 7-0.

MOTION: To adopt an ordinance approving the proposed amendment from Low Residential, 2 units per acre (LR-2) to Institutional with underlying Medium Residential, 5 units per acre (INST/5) subject to the Conditions of Approval.

8. [SV/ABN/PDD/R-2014-01882](#) Title: a Development Order Abandonment application of Bethel Assembly Of Lake Worth FI Inc - Mike Brummitt, Silverstone Healthcare Company, LLC by Urban Design Kilday Studios, Agent. Request: to abandon a Class A Conditional Use granted under Resolution R-2005-2277 to allow a Place of Worship.
- Title: an Official Zoning Map Amendment to a Planned Development District of Bethel Assembly Of Lake Worth FI Inc - Mike Brummitt, Silverstone Healthcare Company, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District.
- Title: a Requested Use of Bethel Assembly Of Lake Worth FI Inc - Mike Brummitt, Silverstone Healthcare Company, LLC by Urban Design Kilday Studios, Agent. Request: to allow a Type 3 Congregate Living Facility (CLF).
- General Location: North side of Lake Worth Road approximately 1275 lineal feet east of Lyons Road. (**HarborChase of Wellington Crossing**) (Control 2004-00009)

Pages: 99 - 142

Conditions of Approval (107 - 113)

Project Manager: Joyce Lawrence

Size: 18.28 acres ±

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 17 Conditions of Approval as indicated in Exhibit C-2 and 6 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approved with a vote of 4-1.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Class A Conditional Use granted under Resolution R-2005-2277 to allow a Place of Worship.

MOTION: To adopt a resolution approving an Official Zoning Map amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow a Type 3 Congregate Living Facility (CLF) subject to the Condition of Approval as indicated in Exhibit C-3.

9. [LGA-2015-00002](#) Title: Cheney Ranch application of Cheney 109 Llc by Land Design South Inc., Agent. Request: To change the future land use designation from HR-8 and MR-5 to MR-5 and to revise conditions of approval.

General Location: East and west sides of Jog Road, south of Southern Boulevard (SR80) and the C-51 Canal. **(Cheney Ranch)** (Control 2008-00290)

Pages: 143 - 177

Conditions of Approval (152 - 152)

Project Manager: Stephanie Gregory

Size: 40.88 acres ±

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval subject to 1 Condition of Approval.

Planning Commission Recommendation: Recommended approval as amended with a vote of 12-1.

Board of County Commissioners Transmittal Public Hearing: Transmitted as recommended by the Planning Commission, with a vote of 5-2.

MOTION: To adopt an ordinance approving the amendment from High Residential, 8 units per acre (HR-8) and Medium Residential, 5 units per acre (MR-5) to Medium Residential, 5 units per acre (MR-5), subject to a Condition of Approval.

10. [DOA-2014-01615](#) Title: Development Order Amendment application of Cheney 109 LLC by Land Design South Inc., Agent. Request: to reconfigure the Master Plan, change unit type, reduce the number of units, and modify and delete Conditions of Approval (Planning and Dumpster).

General Location: East and west sides of Jog Road, south of Southern Boulevard and the C-51 Canal. **(Cheney Ranch)** (Control 2008-00290)

Pages: 178 - 222

Conditions of Approval (187 - 193)

Project Manager: Joyce Lawrence

Size: 40.88 acres ±

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request, subject to 26 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended approval of the requests with a vote of 5-0.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master Plan, change unit type, reduce the number of units, and modify and delete Conditions of Approval (Planning and Dumpster) subject to Conditions of Approval as indicated in Exhibit C.

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

11. [DOA/R-2014-01619](#) Title: a Development Order Amendment application of Donna Klein Jewish Academy, Inc. by Land Design South Inc., Agent. Request: to modify the Master Site Plan, add square footage, and add a Requested Use.
Title: a Requested Use of Donna Klein Jewish Academy, Inc. by Land Design South Inc., Agent. Request: to allow an Elementary or Secondary School, (Charter School).
General Location: North of Happy Hollow Road, west of Lyons Road. **(Delray Marketplace - Happy Hollow Charter School)** (Control 2004-00616)

Pages: 223 - 265

Conditions of Approval (229 - 246)

Project Manager: Osniel Leon

Size: 23.51 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 80 Conditions of Approval as indicated in Exhibit C-1 and 27 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of the requests with votes of 8-0.

MOTION: To adopt a resolution approving a Development Order Amendment to modify the site plan, add square footage, and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use to allow a School, Elementary or Secondary (Charter School) subject to the Conditions of Approval as indicated in Exhibit C-2.

J. ZONING APPLICATIONS - NEW

12. **PDD-2014-01122** Title: an Official Zoning Map Amendment to a Planned Development District application of Lois Dubois Ltd & William A. Sr Trust &, HGC, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

General Location: South side of Flavor Pict Road and west of Military Trail. **(Flavor Pict Townhomes PUD)** (Control 2014-00064)

Pages: 266 - 300

Conditions of Approval (272 - 275)

Project Manager: Joyce Lawrence

Size: 33.78 acres ±

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 23 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of the request with a vote of 8-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

13. **Z-2014-02504** Title: an Official Zoning Map Amendment application of Palm Beach County by Cotleur & Hearing Inc., Palm Beach County, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Public Ownership (PO) Zoning District.

General Location: Southwest corner of the intersection of Jog Road and Morikami Park Road. **(Morikami Park Rezoning)** (Control 2010-00336)

Pages: 301 - 314

Conditions of Approval (305 - 305)

Project Manager: Osniel Leon

Size: 173.17 acres ±

BCC District: 5

DISCLOSURE

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

Zoning Commission Recommendation: Recommended Approval of the request with a vote of 7-0-1.

MOTION: To recommend approval on first reading, of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Public Ownership (PO) Zoning District subject to the Conditions of Approval as indicated in Exhibit C, and to schedule a second hearing on May 28, 2015.

K. ULDC AMENDMENTS

L. COMPREHENSIVE PLAN TEXT AMENDMENTS

M. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. DEPUTY COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT