



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
March 26, 2020**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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CONSENT AGENDA

E. ZONING APPLICATIONS – NEW

2.	(39)	DOA/CA-2019-02086 (1975-00068)	Loggers Run Commercial Center
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ADD Sign Condition 1 to Exhibit C-2, to read as follows:

SIGNS – BUILDING H: Indoor Entertainment Use

1. Prior to issuance of Building Permits for the Indoor Entertainment Use in Building H, the Property Owner shall amend the Master Sign Plan for the affected area of Building H, to indicate the wall sign location, dimensions, and computation of total sign area allowance. (BLDGPMT: ZONING - Zoning)

6.	(Agenda Page 6)	EAC-2019-02324 (1975-00068)	Polo Legacy MXPDP
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AMEND Motions to read as follows:

MOTION: To **adopt a Resolution approving** ~~recommend approval of~~ a Development Order Amendment Expedited Application Consideration (Mixed Use Planned Development) to amend Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To **adopt a Resolution approving** ~~recommend approval of~~ a Development Order Amendment Expedited Application Consideration (Class A Conditional Use for a Retail Gas and Fuel Sales with a Convenience Store - Building F) to amend Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To **adopt a Resolution approving** ~~recommend approval of~~ a Development Order Amendment Expedited Application Consideration (Class A Conditional Use for a Type 1 Restaurant with a Drive-through - Building C) to amend Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-3.

REGULAR AGENDA

8.	(249-250)	ZV/DOA/CA-2018-01723 (2003-00079)	Windsor Place MXPDP
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DELETE Planning Condition 2 of Exhibit C-2 [REASON: No longer applicable.]

Renumber accordingly

COMMENTS

E. ASSISTANT COUNTY ADMINISTRATOR

10. (260 - 279) **Housing and Economic Sustainability**

ADD NEW AGENDA ITEM #10, as follows:

Motion and Title: Staff recommends motion to approve:

A) Amendment No. 1 to Economic Development Incentive Agreement between Palm Beach County and Carrier Corporation and Otis Elevator Company;

B) a transfer of \$53,200 from Palm Beach County's State of Florida Qualified Target Industry fund balance to Carrier Corporation Project as a match payment to the State towards Fiscal Year 17/18 and 18/19; and

C) a transfer of \$1,200 (remaining balance) from State of Florida to Palm Beach County.

11. (280 - 282) **ADOPTING STATE OF FLORIDA OFFICE OF THE GOVERNOR EXECUTIVE ORDER 20-69.**

ADD NEW AGENDA ITEM #11, as follows:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING STATE OF FLORIDA OFFICE OF THE GOVERNOR EXECUTIVE ORDER 20-69.



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY MARCH 26, 2020

9:30 A.M.

**BCC Chambers 6th Floor, Jane Thompson Memorial Chambers
301 N Olive Ave, West Palm Beach, 33401**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

OTHER DEPARTMENT ITEMS

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**

MARCH 26, 2020

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. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

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

- 1. [DOA/CA-2019-00737](#) Title: a Development Order Amendment application of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. Request: to add a use.

Title: a Class A Conditional Use of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. Request: to allow a Cocktail Lounge.

General Location: Southwest corner of Palmetto Park Road and Powerline Road. **(US Cigar Exchange)** (Control 1981-00115)

Pages: 1 - 23

Conditions of Approval (7 - 14)

Project Manager: Brenya Martinez

Size: 8.19 acres ±

BCC District: 4

(affected area 0.07 acres ±)

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 Recommendation: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use (with conditions) by a vote of 8-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to add a use subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Cocktail Lounge subject to the Conditions of Approval as indicated in Exhibit C-2.

E. ZONING APPLICATIONS - NEW

- 2. [DOA/CA-2019-02086](#) Title: a Development Order Amendment application of TMT Properties Loggers Run, LLC by Miller Land Planning, Agent. Request: to modify uses.

Title: a Class A Conditional Use of TMT Properties Loggers Run, LLC by Miller Land Planning, Agent. Request: to allow Indoor Entertainment.

General Location: North side of Palmetto Park Road, bounded by Cobblestone Way, Ponderosa Drive to the east, and Judge Winikoff Road to the west. **(Loggers Run Commercial Center)** (Control 1975-00068)

Pages: 24 - 50

Conditions of Approval (31 - 39)

Project Manager: Brenya Martinez

Size: 16.16 acres ±

BCC District: 5

(affected area 0.08 acres ±)

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

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment (with conditions, as amended) by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use (with conditions) by a vote of 8-0-0.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify uses subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow Indoor Entertainment subject to the Conditions of Approval as indicated in Exhibit C-2.

- 3. [Z-2019-02041](#) Title: an Official Zoning Map Amendment application of Thien Nguyen by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District.

General Location: North side of Lantana Road, approximately 1,200 feet west of Military Trail. **(Nguyen Property)** (Control 2019-00083)

Pages: 51 - 64

Conditions of Approval (55 - 56)

Project Manager: Travis Goodson

Size: 2.02 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request, subject to a Conditional Overlay Zone (COZ), and the Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment subject to a Conditional Overlay Zone (with conditions) by a vote of 8-0-0.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District, subject to a Conditional Overlay Zone (COZ), and the Conditions of Approval as indicated in Exhibit C.

4. [PDD/DOA-2018-02140](#) Title: an Official Zoning Map Amendment application of Boynton Beach Associates XXII, LLLP, AKD Real Estate Investments, LLC, Twin States Land Holding, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment of Boynton Beach Associates XXII, LLLP, AKD Real Estate Investments, LLC, Twin States Land Holding, LLC by G.L. Homes, Agent. Request: to modify the Master Plan to add and delete land area (Preserve); and, to modify a Condition of Approval.

General Location: East side of Lyons Road, approximately 2 miles south of Boynton Beach Boulevard.

Affected Preserve Parcel 1: East side of Smith Sundry Road, approximately 0.60 miles north of Atlantic Avenue.

Affected Parcel 2: North side of 100th Street South, approximately 0.20 miles west of State Road 7. (**Valencia Cove AGR-PUD**) (Control 2004-00369)

Pages: 65 - 141

Conditions of Approval (72 - 87)

Project Manager: Meredith Leigh

Size: 1,408.26 acres ±

BCC District: 5

(affected area 9.42 acres ±)

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 Recommendation: Recommended Approval of an Official Zoning Map Amendment (with conditions) by a vote of 8-0-0.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Development Order Amendment to modify the Master Plan to add and delete land area (Preserve); and, to modify a Condition of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

- 5. [Z-2019-00789](#) Title: an Official Zoning Map Amendment application of Twin States Land Holdings, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District.

General Location: North side of 100th Street South, approximately 0.20 miles west of State Road 7. **(Twin States)** (Control 2019-00059)

Pages: 142 - 153

Conditions of Approval (146 - 146)

Project Manager: Meredith Leigh

Size: 4.71 acres ±

BCC District: 5

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

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

- 6. [EAC-2019-02324](#) Title: a Development Order Amendment Expedited Application Consideration application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to amend Conditions of Approval.

General Location: Southwest corner of Lake Worth Road and Polo Road. **(Polo Legacy MXPB)** (Control 2007-00096)

Pages: 154 - 180

Conditions of Approval (163 - 170)

Project Manager: Meredith Leigh

Size: 38.54 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1, C-2, and C-3.

MOTION: To recommend approval of a Development Order Amendment Expedited Application Consideration (Mixed Use Planned Development) to amend Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment Expedited Application Consideration (Class A Conditional Use for a Retail Gas and Fuel Sales with a Convenience Store - Building F) to amend Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Development Order Amendment Expedited Application Consideration (Class A Conditional Use for a Type 1 Restaurant with a Drive-through - Building C) to amend Conditions of Approval , subject to the Conditions of Approval as indicated in Exhibit C-3.

F. CORRECTIVE RESOLUTIONS

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-2018-00021](#) Title: Windsor Place, Large Scale Future Land Use Amendment application of Hatzlacha WP Holdings, LLC - Charles Scardina by WGINC, Agent. Request: To change the underlying future land use on a site with Multiple Land Use (MLU) future land use designation from an underlying Commercial High and Low Residential 2, to an underlying Commercial High and Medium Residential 5, and to revise the conceptual plan and conditions of approval. General Location: Northwest Corner of Hypoluxo Road and Lyons Road (**Windsor Place**) (Control 2003-00079)

Pages: 181 - 226

Conditions of Approval (187 - 189)

Project Manager: Bryce Van Horn

Size: 40.00 acres ±

BCC District: 3

Staff Recommendation: Approval of the amendment as recommended by staff, to change the underlying future land use on a site with Multiple Land Use (MLU) future land use designation from an underlying Commercial High and Low Residential 2, to an underlying Commercial High and Medium Residential 5, and to revise the conceptual plan and conditions of approval. Staff recommendation is for a minimum of 80 workforce housing (WHP) units, not including the 10 WHP units required from the previous TDRs, and for all of the WHP units to be built onsite. The applicant is requesting 66 WHP units to be built offsite at the Haverhill Commons project (Control No. 1988-00135).

Planning Commission Recommendation: Approval of staff recommendation in a 13 to 0 vote at the Oct. 11, 2019 hearing.

BCC Transmittal: Transmit per staff recommendation in a 7 to 0 vote at the Oct. 28, 2019 hearing.

MOTION: To adopt an ordinance to change the underlying future land use on a site with Multiple Land Use (MLU) future land use designation from an underlying Commercial High and Low Residential 2, to an underlying Commercial High and Medium Residential 5, and to revise the conceptual plan and conditions of approval, including 80 workforce housing (WHP) units, not including the 10 WHP units from the previously approved TDRs, and for all of the WHP units to be built onsite.

8. [ZV/DOA/CA-2018-01723](#) Title: a Development Order Amendment application of Hatzlacha WP Holdings, LLC by WGINC, Agent. Request: to reconfigure the Master Plan and Site Plan; add and delete square footage; add units; modify uses; and, modify Conditions of Approval.

Title: a Class A Conditional Use of Hatzlacha WP Holdings, LLC by WGINC, Agent. Request: to allow Workforce Housing Density Bonus in excess of 30 percent; to allow additional Transfer of Development Rights (TDR) units; and to allow a Type 1 Restaurant with a Drive-Through.

General Location: Northwest corner of Hypoluxo Road and Lyons Road. **(Windsor Place MXPD)** (Control 2003-00079)

Pages: 227 - 272

Conditions of Approval (240 - 259)

Project Manager: Carrie Rechenmacher

Size: 40.00 acres ±

BCC District: 3

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-2 through C-5.

Zoning Commission Recommendation: Approved a Type 2 Variance by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment (with conditions, as amended) by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of 13 Class A Conditional Uses (with conditions) by a vote of 8-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the Master Plan and Site Plan, add and delete square footage; add units; modify uses; and, modify Conditions of Approval, 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 Workforce Housing Density Bonus in excess of 30 percent subject to Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow additional Transfer of Development Rights (TDR) units subject to the Conditions of Approval as indicated in Exhibit C-4.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-Through subject to the Conditions of Approval as indicated in Exhibit C-5.

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

J. ZONING APPLICATIONS - NEW

K. COMPREHENSIVE PLAN TEXT AMENDMENTS**9. [Title: Water Supply Facilities Work Plan](#)**

This text amendment is proposed to revise the Utility and Capital Improvements Elements to adopt the County's updated Water Supply Facilities Work Plan by reference into the Comprehensive Plan as required by Section 163.3177(6)(c), Florida Statutes (F.S.). The proposed amendment would adopt the County's 10 Year Water Supply Facilities Work Plan by reference for consistency with the Florida Statutes and the South Florida Water Management District 2018 Lower East Coast Regional Water Supply Plan. There are no consistency issues with the Comprehensive Plan and no impacts on the Unified Land Development Code.

Planning Commission/LPA Recommendation: Approval, motion by Lori Vinikoor, seconded by Jim Knight, passed in a 14 to 0 vote at the November 8, 2019 public hearing.

BCC Transmittal Action: Transmit, motion by Commissioner Berger and seconded by Vice Mayor Weinroth passed in a 7 to 0 vote at the November 25, 2019 public hearing. Questions from the Commissioners were related to Lake Okeechobee water levels, per capita use and the County's use of reclaimed water. There were no public comments.

State Review Agency Comments: The State Land Planning Agency issued a letter dated December 20, 2019 stating that the Agency had no comment on the proposed amendment. The South Florida Water Management District (SFWMD) issued comments regarding the amendment.

Changes Subsequent to Transmittal. Subsequent to transmittal, the Water Utilities Department revised the 10-Year Water Supply Facilities Work Plan to address SFWMD's comments by including information regarding involvement in regional issues, data about utilities serving unincorporated County, and addressing the Department's Eastern and Western Regions separately. The County provided a copy of the revisions to SFWMD on January 15th for a preliminary review. The updated Plan is dated February 25, 2020. The proposed revisions to the Utilities Element in Exhibit 1 were modified to reflect changes made to the Facility Capacity Analysis tables of the Water Supply Plan. Changes to Exhibit 1 between transmittal and adoption are shown in double underline, double strike out. In addition, Table 10-A was replaced. This item was initially scheduled and advertised for the February 5th BCC adoption hearing, but was postponed by the Board to March 26th in order for the Water Utilities Department to make additional revisions based on comments from the SFWMD.

Pages: 273 - 359

Staff Recommendation: Approval

MOTION: To adopt an ordinance for the Water Supply Facilities Work Plan.

L. ULDC AMENDMENTS**M. OTHER ITEMS**

END OF REGULAR AGENDA

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT