



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

AMENDMENTS TO THE AGENDA

APRIL 28, 2022

AGENDA

ITEM # PAGE # APPLICATION AND CONTROL #S APPLICATION NAME

CONSENT AGENDA

E. ZONING APPLICATIONS - NEW

5. (1-69) DOA-2021-01031, Chabad Lubavitch Temple (Control 1997-00068)

AMEND AND RENUMBER Zoning – Landscaping Conditions 2, 3 and 4 of Exhibit C-2 to 1, 2 and 3

REGULAR AGENDA

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

9. (1-69) LGA-2021-00009, All Seasons Delray Beach, (Control 2012-00424)

MODIFY AND REPLACE number 5.b.3) within Policy 1.5-u of Exhibit 1 to read as follows:

~~3). Design Elements. An MUPD with an INST/CLR FLU is exempt from Policy 1.5.1-r.~~

3) Design Features. A development with INST/CLR future land use is not considered mixed use, and is not subject to the Design Elements in Policy 1.5.1-r or Usable Open Space Requirements for Multiple Use Planned Development (MUPD) in the ULDC.

10. (1-45) SV/PDD/CA-2021-00460, All Seasons Delray Beach, (Control 2012-00424)

AMEND Planning Condition 1 of Exhibit C-2 to read as follows:

1. Per LGA 2021-009, Condition 1: The development of the site with a CLF shall provide a minimum of 4.87 acres of offsite preserve area and 0.97 acres of onsite preserve area. (ONGOING: PLANNING - Planning)

AMEND Planning Condition 4 of Exhibit C-2 to read as follows:

4. Prior to Final Approval by the Development Review Officer (DRO), all applicable plans and documents shall be amended to be consistent with LGA 2021-009 as approved by the Board of County Commissioners. (DRO: PLANNING - Planning)

11. (1-29) DOA/CA-2021-01576, Melrose PUD, (Control 1982-00040)

ADD SITE DESIGN-POD B-2 Condition 6 of Exhibit C to read as follows:

6. Prior to DRO approval the Applicant shall amend the site plan to convert the parking space at the west of the Stop Bar into a turn around area. (DRO: ZONING - Zoning)



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY APRIL 28, 2022

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**

APRIL 28, 2022

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

1. [ZV/ABN/DOA-2021-01529](#) Title: a Development Order Abandonment application of Palm Beach Owner, LLC by Urban Design Studio, Agent. Request: to abandon Requested Uses for an Arena, Auditorium or Stadium, Indoor/Outdoor Entertainment, Auto Paint and Body, Convenience Store with Gas Sales, Manufacturing and Processing, and Vehicles Sales and Rental, an Electronic Message Center and the Alternative Sign Plan
Title: a Development Order Amendment of Palm Beach Owner, LLC by Urban Design Studio, Agent. Request: to reconfigure the site plan; delete and modify uses; and, modify Conditions of Approval
Title: a Development Order Amendment of Palm Beach Owner, LLC by Urban Design Studio, Agent. Request: to modify uses

General Location: North side of Bee Line Highway, approximately 1 mile west of Pratt Whitney Road (**Portman Industrial MUPD**) (Control 1997-00034)

Pages: 1 - 2

Project Manager: Timothy Haynes

Size: 186.38 acres ±

BCC District: 1

Staff Recommendation: Staff Recommends a Postponement to Thursday, September 22, 2022.

Zoning Commission Recommendation: Denied (without prejudice) a Type 2 Variance by a vote of 9-0-0.

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

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

MOTION: No motion required.

B. REMANDS

2. [DOA-2021-00418](#) Title: a Development Order Amendment application of Mattamy Palm Beach, LLC by Urban Design Studio, Agent. Request: to modify the Master Plan; add units; and, add access points

General Location: Located at the southwest corner of Lyons Road and Lantana Road, and continues south, on the east and west sides, approximately 1,900 feet north of Hypoluxo Road. (**Sherbrooke Estates PUD**) (Control 1976-00139)

Pages: 1 - 2

Project Manager: Imene Haddad

Size: 530.14 acres ±

BCC District: 6

Staff Recommendation: Staff remands back to the Development Review Officer.

Zoning Commission Recommendation: Recommended Denial of a Development Order Amendment by a vote of 0-7-0.

MOTION: No motion required.

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

- 3. [ABN/PDD-2021-01322](#) Title: a Development Order Abandonment application of Butters SA, LLC. - Malcolm Butters, Southeast Investments of Palm Beach County, Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to abandon a Conditional Overlay Zone (COZ) granted pursuant to Resolution R-2020-0056
Title: an Official Zoning Map Amendment of Butters SA, LLC. - Malcolm Butters, Southeast Investments of Palm Beach County, Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
General Location: Southeast corner of Atlantic Avenue and US 441/SR 7 (**Mountain Business Center MUPD**) (Control 2003-00830)

Pages: 1 - 23

Conditions of Approval (7 - 9)

Project Manager: Donna Adelsperger

Size: 14.22 acres ±

BCC District: 5

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

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

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-0-1.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Conditional Overlay Zone (COZ) granted pursuant to Resolution R-2020-0056.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

4. [DOA/CA-2021-01577](#) Title: a Development Order Amendment application of Central Baptist Church of WPB FL, Inc. by Land Research Management Inc., Agent. Request: to modify the Site Plan and Conditions of Approval, and to delete square footage

Title: a Class A Conditional Use of Central Baptist Church of WPB FL, Inc. by Land Research Management Inc., Agent. Request: to allow an Elementary or Secondary School (Private)

General Location: South side of Gun Club Road, approximately 600 feet east of Military Trail (**Central Baptist Church**) (Control 2004-00325)

Pages: 1 - 18

Conditions of Approval (6 - 9)

Project Manager: James Borsos

Size: 4.43 acres ±

BCC District: 3

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 by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan and Conditions of Approval, and to delete square footage, 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 an Elementary or Secondary School (Private), subject to the Conditions of Approval as indicated in Exhibit C-2.

5. [DOA-2021-01031](#) Title: a Development Order Amendment application of Chabad Lubavitch of Boynton, Inc. by Land Research Management Inc., Agent. Request: to modify the site plan, uses, and Conditions of Approval (Place of Worship)
Title: a Development Order Amendment of Chabad Lubavitch of Boynton, Inc. by Land Research Management Inc., Agent. Request: to modify the site plan, uses, and Conditions of Approval (Day Care)
General Location: West side of El Clair Ranch Road, approximately 0.3 miles north of Woolbright Road (**Chabad Lubavitch Temple**) (Control 1997-00068)

Pages: 1 - 21

Conditions of Approval (6 - 11)

Project Manager: James Borsos

Size: 2.37 acres ±

BCC District: 5

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 by a vote of 9-0-0.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the site plan, uses, and Conditions of Approval (Place of Worship), 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 site plan, uses, and Conditions of Approval (Day Care), subject to the Conditions of Approval as indicated in Exhibit C-2.

6. [SV/DOA-2021-00921](#) Title: a Development Order Amendment application of Duke Realty LP - Richard Swindasz, Duke Realty Land LLC by Schmidt Nichols, Agent. Request: to add land area and square footage and to modify the site plan and Conditions of Approval
General Location: West side of Benoist Farms Road, approximately 0.12 miles south of Belvedere Road (**Palm Beach Logistics Center**) (Control 1988-00019)

Pages: 1 - 33

Conditions of Approval (7 - 11)

Project Manager: Timothy Haynes

Size: 23.99 acres ±

BCC District: 2

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

Zoning Commission Recommendation: Adopted a Subdivision Variance (with conditions) by a vote of 9-0-0.

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

MOTION: To adopt a Resolution approving a Development Order Amendment to modify site plan; to add land area; modify the use; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

- 7. [Z-2021-02124](#) Title: an Official Zoning Map Amendment application of Las Farms of the Palm Beaches LC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District

General Location: West of State Road 7, approximately 0.5 miles north of Boynton Beach Blvd (**Las Farms Landscape**) (Control 1995-50007)

Pages: 1 - 13

Conditions of Approval (5 - 5)

Project Manager: Jordan Jafar

Size: 6.95 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-0-1.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District, with a Conditional Overlay Zoning, subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

- 8. [ABN-2021-02011](#) Title: a Development Order Abandonment application of Emedical Plaza LLC by Schmidt Nichols, Agent. Request: to abandon a Class A Conditional Use for a Medical Office.

General Location: West side of Military Trail, approximately 0.5 miles north of Le Chalet Boulevard (**EMedical Plaza**) (Control 2004-00233)

Pages: 1 - 13

Project Manager: Zubida Persaud

Size: 2.01 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Class A Conditional Use for a Medical Office.

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

- 9. [LGA-2021-00009](#) Title: All Seasons Delray Beach, Large Scale Future Land Use and Text Amendment application of Greg Jacob, Cynthia Jacob, All Seasons of Delray Beach LLC - Peter Odorico by WGINC, Agent. Request: To change the future land use designation from Agricultural Reserve (AGR)to Institutional and Public Facilities with an underlying Congregate Living Residential(INST/CLR)with conditions, and to revise the Future Land Use Element of the Comprehensive Plan to allow the CLR future land use designation in the Agricultural Reserve Tier for congregate living facilities, up to 8 units per acre.

General Location: Northeast corner of Lyons Road and Linton Boulevard. **(All Seasons Delray Beach)** (Control 2012-00424)

Pages: 1 - 69

Conditions of Approval (10 - 10)

Project Manager: Stephanie Gregory

Size: 9.73 acres ±

BCC District: 5

Staff Recommendation: Approval with conditions of an amendment to change a future land use designation from Agricultural Reserve (AGR) to Institutional and Public Facilities with an underlying Congregate Living Residential(INST/CLR), and to revise the Future Land Use Element of the Comprehensive Plan.

Planning Commission Recommendation: PLC Recommended Denial in a 10 to 4 vote at the April 23, 2021 public hearing.

BCC Transmittal Action: BCC Transmitted by a 7 to 0 vote at the July 28, 2021 public hearing.

MOTION: To adopt an Ordinance for the All Seasons Delray Beach FLUA and text amendment.

- 10. [SV/PDD/CA-2021-00460](#) Title: an Official Zoning Map Amendment application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
Title: a Class A Conditional Use of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. Request: to allow a Congregate Living Facility (CLF)
General Location: East side of Lyons Road, approximately 0.02 miles north of Linton Boulevard (**All Seasons Delray Beach**) (Control 2012-00424)

Pages: 1 - 45

Conditions of Approval (8 - 13)

Project Manager: Timothy Haynes

Size: 14.73 acres ±

BCC District: 5

(affected area 9.73 acres ±)

DISCLOSURE

Staff Recommendation: Staff is recommending approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

Zoning Commission Recommendation: Adopted a Subdivision Variance (with conditions) by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from Agricultural Reserve (AGR) Zoning District to Multiple Use Planned Development (MUPD) Zoning District, subject to Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a Congregate Living Facility (CLF), subject to Conditions of Approval as indicated in Exhibit C-3.

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

- 11. [DOA/CA-2021-01576](#) Title: a Development Order Amendment application of Melrose Center Boynton LLC by WGINC, Agent. Request: to modify the Site Plan and Master Plan; add square footage, and uses; and, delete a Condition of Approval
Title: a Class A Conditional Use of Melrose Center Boynton LLC by WGINC, Agent. Request: to allow a Type 1 Restaurant with drive-through
General Location: Northeast corner of State Road 7/US 441 and Armone Place
(Melrose PUD Commercial) (Control 1982-00040)

Pages: 1 - 29

Conditions of Approval (6 - 18)

Project Manager: Imene Haddad

Size: 612.24 acres ±

BCC District: 5

(affected area 4.94 acres ±)

DISCLOSURE

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 by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

MOTION: To adopt a resolution approving a Development Order Amendment to modify the Site Plan and Master Plan; add square footage, and uses; and, delete a Condition of Approval, 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 Type 1 Restaurant with drive-through, subject to the Conditions of Approval as indicated in Exhibit C-2.

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. ULDC AMENDMENTS

M. OTHER ITEMS

END OF REGULAR AGENDA

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

D. ADMINISTRATION

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT