



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING
AMENDMENTS TO THE AGENDA
JULY 28, 2022**

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

D. OTHER DEPARTMENTS

- 19. Public Safety Department, Public Hearing Agenda Item, 2022 Tow Ordinance**

POSTPONE - This item is being postponed to August 23, 2022.

- 20. Public Safety Department, Regular Agenda Item, 2022 Towing and Immobilization Services Resolution 2022**

POSTPONE - This item is being postponed to August 23, 2022.

CONSENT AGENDA

D. ZONING APPLICATIONS - NEW

- 6. ZV/W/ABN/DOA/CA-2021-02151, Chimu MUPD, Control 1994-00013**

DELETE Condition for Engineering #9 in Exhibit C-3

9. Previous ENGINEERING Condition 9 of Resolution R-2015-0960, Control No.1994-00013, which currently states: The Property Owner shall provide proportionate share funds in the amount of 54% towards the cost of signal installation at Hypoluxo Road and Adonis Drive. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation and right of way or easement acquisition.

a. Building permits shall not be issued until the Property Owner provides 54% of the cost of signal installation, as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng)

Is hereby deleted. [REASON: No longer needed]

DELETE Condition for Architectural Review #2 of Exhibit C-3 to read as follows:

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2005-1122, Control No.1994-00013, which currently states:

At time of submittal for final DRO approval, architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval for the commercial structures. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: DRO – Arch Review)

Is hereby deleted. [REASON: Elevations will be provided for Building E]

ADD NEW Conditions - for Zoning Site Design Condition Number 2 of Exhibit C-7 to read as follows:

2. At time of submittal for final DRO approval, architectural elevations shall be submitted for Building E, as shown on the Preliminary Site Plan dated May 31, 2022, Elevations shall be designed in compliance with Article 5.C of the ULDC. Development and architectural elevations of all other buildings shall be consistent with the approved architectural elevations for Building E and submitted for architectural review and approval prior to Building Permit issuance. (DRO: DRO – Arch Review)

H. OTHER ITEMS

- 9. Land Development Division, Agenda Item, AB58244 Palm Beach County Mosquito Control
 - **DISCLOSURES** needed
- 10. Land Development Division, Agenda Item, AB61884 Meridian Road
 - **DISCLOSURES** needed

REGULAR AGENDA

D. OTHER DEPARTMENTS

- 17. Land Development Division, Agenda Item, AB61277 Forest Oaks Residential
 - **DISCLOSURES** needed
- 21. Resolution supporting the submission of community project funding requests by U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch

ADD NEW - Agenda Item with Resolution

SUMMARY: With the reinstatement of earmarks recommended by the House Select Committee on the Modernization of Congress during the 116th Congress, members of Congress were, for the second year, asked to propose direct federal funding for up to fifteen projects located in their district for the FY 2023 budget. U.S. Representative Sheila Cherfilus-McCormick and U. S. Representative Theodore E. Deutch put out a call to local governments and non-profit organizations for project requests and received dozens of applications. Final selections were made by these Members of Congress after a period of vetting and site visits, with consideration to impact, sustainability, and alternative avenues for federal funding. U.S. Representative Sheila Cherfilus McCormick and U.S. Representative Theodore E. Deutch submitted twenty-nine projects, seven of which are located in Palm Beach County totaling \$3,990,258, for consideration. Countywide (CK)

MOTION: Staff recommends motion to approve: a Resolution supporting the submission of community project funding requests by U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch for the FY 2023 budget year.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 28, 2022

Consent
 Ordinance

Regular
 Public Hearing

Department: Legislative Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Resolution supporting the submission of community project funding requests by U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch for the FY 2023 budget year.

Summary: With the reinstatement of earmarks recommended by the House Select Committee on the Modernization of Congress during the 116th Congress, members of Congress were, for the second year, asked to propose direct federal funding for up to fifteen projects located in their district for the FY 2023 budget. U.S. Representative Sheila Cherfilus-McCormick and U. S. Representative Theodore E. Deutch put out a call to local governments and non-profit organizations for project requests and received dozens of applications. Final selections were made by these Members of Congress after a period of vetting and site visits, with consideration to impact, sustainability, and alternative avenues for federal funding. U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch submitted twenty-nine projects, seven of which are located in Palm Beach County totaling \$3,990,258, for consideration. Countywide (CK)

Background and Policy Issues: Over the course of the 116th Congress, the House Select Committee on the Modernization of Congress offered recommendations that would improve the functioning of the institution, and ultimately included the reinstatement of earmarks for FY 2021. Again for FY 2023, Members of Congress were asked to propose direct funding for up to fifteen worthy programs within their district. This BCC resolution would offer support to U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch's seven requests benefitting Palm Beach County non-profit organizations and local governments in Congressional Districts 20 and 22.

Attachments:

- 1. Resolution

Recommended by: _____


Department Director

7/21/22
Date

Approved By: _____


Assistant County Administrator

7/25/22
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years					
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT					
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:

Fund Agency Organization Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

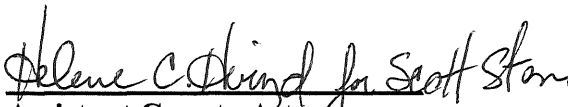
C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 7/21/22 <hr/> OFMB <i>JA</i> 7-21-22 <i>2/2</i> 7-21-22	 7/25/22 <hr/> Contract Dev. & Control 7-25-22 <i>TD</i>
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B. Legal Sufficiency


 Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Resolution No. 2022-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SUPPORTING THE SUBMISSION OF COMMUNITY PROJECT FUNDING REQUESTS BY UNITED STATES REPRESENTATIVE SHEILA CHERFILUS-MCCORMICK AND UNITED STATES REPRESENTATIVE THEODORE E. DEUTCH FOR THE FY 2023 BUDGET YEAR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The practice of member directed funding requests, formerly known as earmarks, in 2021 occurred for the first time in over a decade in the United States Congress; and

WHEREAS, Members of Congress were asked to propose direct FY 2023 federal funding for up to fifteen programs for projects located in their district; and

WHEREAS, Members must provide documented evidence demonstrating community support and need for each proposed project; and

WHEREAS, U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch put out a call to local governments and non-profit organizations in the area for project requests and received dozens of applications; and

WHEREAS, The final selections were made after a period of vetting and site visits while taking into consideration impact, sustainability, and alternative avenues for federal funding; and

WHEREAS, U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch have submitted twenty-nine projects, seven of which are located in Palm Beach County totaling \$3,990,258, for consideration in the FY 2023 Federal Appropriations Act; and

WHEREAS, The seven selected projects in Palm Beach County deliver important community services in the areas of supporting preventative healthcare, workforce training, housing, early learning, and the environment; and

WHEREAS, The sponsoring non-profit organizations have longstanding ties within the community and proven to be good stewards of taxpayer dollars; and

WHEREAS, the Board of County Commissioners concurs that these projects are reputable and worthy of receiving federal funding.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The Palm Beach County Board of County Commissioners supports the submission of the following seven community project funding requests by U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch for consideration in the FY 23 Federal Appropriations Act:

- **Compass LGBTQ+ Community Center** \$523,345.00 to fund 4.75 Full Time Employees (FTE) including a full time onsite LCSW Therapist, two contract (specialty) therapists, program specific supplies, Adverse Childhood Experiences (ACEs) staff training, and square footage methodology allocation for youth, family members, educators and therapists to meet in the Compass Community Center for life-saving social and support services;
- **Healthy Babies and Healthy Mothers Coalition of Palm Beach County** \$305,313 to fund a Doula-based project to decrease Black maternal deaths. Doulas are found to have the potential to provide a “buffer” against racism in health care for pregnant women of color by providing advocacy, patient-centered, tailored, and culturally appropriate care (National Health Law Program, May 2020);
- **MorseLife** \$500,000 to fund MorseLife's Western Palm Beach Workforce Training Program which will address the severe employment needs in Western Palm Beach County (Belle Glade, Pahokee, and South Bay). The funding request is to support trainers, curriculum materials, mentors, and transportation to this underserved population. This project directly targets this community by providing two distinct employment pathways, one in clinical services and the other in hospitality;
- **Promise Fund of South Florida** \$894,100 for breast and cervical screening for low-income families through the Promise Fund, whose mission is to help women overcome financial and cultural barriers to improve health equity and reduce deaths from late-stage breast and cervical cancer throughout South Florida;
- **Sojourner’s With Healing Hearts** \$167,500 to expand current financial support for early breast cancer detection screenings for women of color between the ages of 25 to 40;
- **City of Boca Raton** \$350,000 for the restoration of the Rosemary Ridge Environmentally Sensitive Land, which in addition to protecting animals and their habitats, will provide environmental education and passive recreation for residents and visitors as well as opportunities for scientific research;
- **YMCA of South Palm Beach County** \$1,250,000 for the expansion of the Early Learning Center and enhancement of the Chase’s Place special population center to include safety accessibility updates to the youth locker rooms and the purchase of new adaptive equipment for children to learn and explore their world through sports, games and educational activities; and

Section 2. A copy of this resolution shall be provided to U.S. Representative Sheila Cherfilus-McCormick and U.S. Representative Theodore E. Deutch and the members of the Palm Beach County Federal Legislative Delegation.

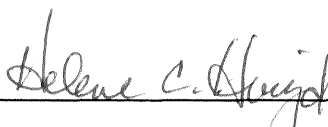
This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

ROBERT S. WEINROTH, Mayor	-
GREGG K. WEISS, Vice Mayor	-
COMMISSIONER MARIA MARINO	-
COMMISSIONER DAVID KERNER	-
COMMISSIONER MARIA SACHS	-
COMMISSIONER MELISSA MCKINLAY	-
COMMISSIONER MACK BERNARD	-

The Mayor thereupon declared the resolution duly passed and adopted on this _____ day of _____, 2022.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
Assistant County Attorney

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS
JOSEPH ABRUZZO, CLERK

BY: _____
Deputy Clerk



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY JULY 28, 2022

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. 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**

JULY 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

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. [ZV/ABN/DOA-2021-01954](#) Title: a Development Order Abandonment application of Principal Commercial Group LLC, Principal Development Group LLC by AJP Consulting Services LLC, WGINC, Agent. Request: to abandon a Type 1 Restaurant with drive-through (Building B)
Title: a Development Order Amendment of Principal Commercial Group LLC, Principal Development Group LLC by AJP Consulting Services LLC, WGINC, Agent. Request: to modify the Site Plan; add square footage; and, delete and modify uses
Title: a Development Order Amendment of Principal Commercial Group LLC, Principal Development Group LLC by AJP Consulting Services LLC, WGINC, Agent. Request: to modify the Site Plan, and add square footage (Type 1 Restaurant Building A)

General Location: Northwest corner of Atlantic Avenue and Hagen Ranch Road (**Terra Nova MUPD**) (Control 2004-00457)

Project Manager: Imene Haddad

Size: 17.67 acres ±

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.

Zoning Commission Recommendation: Approved a Type 2 Variance as amended (with conditions) by a vote of 9-0-0.

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

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 Abandonment to abandon a Type 1 Restaurant with drive-through (Building B).

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

MOTION: To adopt a resolution approving a Development Order Amendment to modify the Site Plan, and add square footage (Type 1 Restaurant Building A) subject to the Conditions of Approval as indicated in Exhibit C-3.

E. ZONING APPLICATIONS - NEW

- 2. [EAC-2021-01590](#) Title: an Expedited Application Consideration application of Home Depot USA, Inc. by Corporate Property Services, Agent. Request: to reconfigure the site plan and modify Conditions of Approval
General Location: Southwest corner of Hypoluxo Road and North Seacrest Boulevard **(Home Depot Lantana)** (Control 1975-00069)

Project Manager: Cody Sisk
Size: 20.61 acres ±

BCC District: 7

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

MOTION: To adopt a resolution approving an Expedited Application Consideration Development Order Amendment to reconfigure the site plan and modify Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C.

- 3. [EAC-2022-00343](#) Title: a Development Order Amendment application of SR II LLC by Urban Design Studio, Agent. Request: to modify and delete Conditions of Approval; to reconfigure site plan, to delete square footage; to modify uses
Title: a Development Order Amendment of SR II LLC by Urban Design Studio, Agent. Request: to reconfigure site plan to delete square footage and modify uses
General Location: On the east side of Pratt Whitney Road, approximately 3,720 Feet north of BeeLine Highway **(Palm Beach Park of Commerce PIPD Surf House)** (Control 1981-00190)

Project Manager: Timothy Haynes
Size: 78.91 acres ±
(affected area 46.66 acres ±)

BCC District: 1

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

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure site plan to delete square footage and modify uses subject to the Conditions of Approval as indicated in Exhibit C-2.

4. [Z-2022-00226](#) Title: an Official Zoning Map Amendment application of Paradise Point Homes, LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Single Family Residential (RS) Zoning District
General Location: East side of Paradise Point Road approximately 500 feet north of Donald Ross Road (**Paradise Point**) (Control 2005-00191)

Project Manager: James Borsos

Size: 0.86 acres ±

BCC District: 1

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

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

MOTION: To adopt a Resolution for an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Single Family (RS) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

5. [Z-2021-01551](#) Title: an Official Zoning Map Amendment application of Sinai Missionary Baptist Church Inc by RamosMartinez Architects, Agent. Request: to allow a rezoning from Agricultural Residential (AR) Zoning District to Residential Single Family (RS) Zoning District
General Location: North side of Lantana Road approximately 0.23 miles west of Military Trail (**Sinai Missionary Baptist Church**) (Control 2007-00427)

Project Manager: Timothy Haynes

Size: 5.11 acres ±

BCC District: 3

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 by a vote of 9-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR) Zoning District to Residential Single Family (RS) Zoning District subject to the Condition of Approval as indicated in Exhibit C.

6. [ABN/ZV/W/DOA/CA-2021-02151](#) Title: a Development Order Abandonment application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to abandon a Financial Institution with drive-through
Title: a Type 2 Waiver of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to extend hours of operation for a Fitness Center use located within 250 feet of a Residential Future Land Use designation or use
Title: a Development Order Amendment of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to modify the Site Plan and Conditions of Approval; to add uses and buildings; and, to delete square footage
Title: a Development Order Amendment of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to modify the Site Plan and delete square footage (Type 1 Restaurant with drive-through Building D)
Title: a Class A Conditional Use of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to allow a Type 1 Restaurant with drive-through (Building A)
Title: a Class A Conditional Use of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to allow a Car Wash
Title: a Class A Conditional Use of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to allow a Fitness Center
General Location: Northeast corner of Adonis Drive and Hypoluxo Road (**Chimu MUPD**) (Control 1994-00013)

Project Manager: Timothy Haynes

Size: 8.69 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-2 through C-7.

Zoning Commission Recommendation: No motion required.

Zoning Commission Recommendation: No motion required. Request withdrawn.

Zoning Commission Recommendation: Recommended Approval of a Type 2 Waiver by a vote of 9-0-0.

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 Abandonment to abandon a Financial Institution with drive-through.

MOTION: To adopt a Resolution approving a Type 2 Waiver to extend hours of operation for a Fitness Center use located within 250 feet of a Residential Future Land Use designation or use subject to the Conditions of approval as indicated in Exhibit C-2.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan and Conditions of Approval; to add uses and buildings; and, to delete square footage subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan and delete square footage (Type 1 Restaurant with Drive-thru Building D) subject to the Conditions of Approval as indicated in Exhibit C-4.

MOTION: To adopt a Resolution approving a Class A Conditional Uses to allow a Type 1 Restaurant with drive-through for Building A subject to the Conditions of Approval as indicated in Exhibit C-5.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a Car Wash subject to the Conditions of Approval as indicated in Exhibit C-6.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a Fitness Center subject to the Conditions of Approval as indicated in Exhibit C-7.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

- 7. [ABN-2021-01941](#) Title: a Development Order Abandonment application of Christ Fellowship Church Inc by Cotleur & Hearing Inc., Agent. Request: to abandon a Church (Place of Worship) including sanctuary facilities, educational building and administrative offices
General Location: Northwest corner of the intersection of Glades Road and Lyons Road. **(Christ Fellowship Boca (fka) Boca West United Meth. Church)** (Control 1974-00122)

Project Manager: Zubida Persaud
 Size: 4.21 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests.

Zoning Commission Recommendation: Approved a Development Order Abandonment - Class B concurrent by a vote of 9-0-0.

Zoning Commission Recommendation: No motion required.

MOTION: To adopt a Resolution of Abandonment to abandon the Special Exception for a Church (Place of Worship) including sanctuary facilities, educational and administrative buildings.

- 8. [ABN-2022-00496](#) Title: a Development Order Abandonment application of Congregation Chevra Kadisha Inc by Urban Design Studio, Agent. Request: to abandon a Place of Worship
General Location: West side of South Congress Avenue, approximately .08 miles south of Lantana Road **(Chevra Kadisha Cemetery)** (Control 1979-00132)

Project Manager: Timothy Haynes
 Size: 14.66 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 Place of Worship.

H. OTHER ITEMS

9. Title: [Land Development Division, Agenda Item, AB58244 Palm Beach County Mosquito Control](#)

SUMMARY: Adoption of this Resolution will eliminate the public dedication that is in conflict with development plans by the County's Department of Facilities Development and Operations (FDO). The Abandonment Site abuts both County property and property owned by the Solid Waste Authority. FDO requested the County clear the encumbrance to allow the Abandonment Site to be incorporated in the development of a new County Mosquito Control Complex. All reviewing agencies and utility service providers have approved this abandonment and the ROW serves no present or future public purpose.

BACKGROUND AND POLICY ISSUES: Hearings for abandonments pursuant to Section 336.09 and 177.101, Florida Statutes, are quasi-judicial hearings and are subject to the Palm Beach County Procedures for Conduct of Quasi-Judicial Hearings.

Project Manager: Scott Cantor

MOTION: Staff recommends motion to adopt: a Resolution abandoning any public interest in a portion of the 30-foot wide right-of-way (ROW) lying between Tracts 44 and 45, Block 34, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54 (Abandonment Site), of the Public Records of Palm Beach County (County).

10. Title: [Land Development Division, Agenda Item, AB61884 Meridian Road](#)

SUMMARY: Reservation of the utility and drainage easements, approval of the drainage easement to the LWDD and adoption of the Resolution will allow the County to vacate its interest in the Abandonment Site, an 11-foot wide approximately 230-foot long portion of the Meridian Road ROW that is no longer needed for the roadway. This abandonment is sponsored by the County Engineer. All reviewing agencies and utility companies are in support of this abandonment. The easements will allow the LWDD's drainage and utility facilities to remain.

BACKGROUND AND POLICY ISSUES: Hearings for abandonments pursuant to Section 336.09 and 177.101, Florida Statutes, are quasi-judicial hearings and are subject to the Palm Beach County Procedures for Conduct of Quasi-Judicial Hearings.

Project Manager: Scott Cantor

MOTION: Staff recommends motion to:

A) reserve a utility easement upon, over, and under an 11-foot wide portion of the 60-foot right-of-way (ROW) of Meridian Road, as described in Official Records Book 2979, Page 581, lying west of and adjacent to Lots 16, 17 & 18, Block 20, as shown on the unrecorded plat of Plantation Village (AM-8) (Abandonment Site), all of the Public Records of Palm Beach County (County);

B) reserve a drainage easement upon, over, and under the Abandonment Site;

C) approve a drainage easement to the Lake Worth Drainage District (LWDD) upon, over, and under the north 25-feet of the Abandonment Site;

D) adopt a Resolution abandoning any public interest in the Abandonment Site.

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

11. [LGA-2022-00006](#) Title: Reserve at Atlantic, Large Scale Future Land Use Amendment application of Taheri Grandchildrens Trust, Gabriel Bove by JMorton Planning & Landscape Architecture, Agent. Request: To change the future land use designation from Agricultural Reserve (AGR) to Multiple Land Use with Institutional & Public Facilities, AGR, and an underlying 8 units per acre (MLU, INST/AGR/8) with conditions, and to revise the text of the Future Land Use Element of the Comprehensive Plan to allow higher density residential development in the Agricultural Reserve Tier.

General Location: Southeast corner of Atlantic Avenue and Half Mile Road (**Reserve at Atlantic**) (Control 2021-00058)

Project Manager: Stephanie Gregory

Size: 38.88 acres ±

BCC District: 5

Staff Recommendation: Approval with conditions of the proposed amendment to change the future land use from Agricultural Reserve (AGR) to Multiple Land Use with Institutional & Public Facilities, AGR, and an underlying 8 units per acre (MLU, INST/AGR/8), and to revise the text of the Future Land Use Element of the Comprehensive Plan to allow higher density residential development in the Agricultural Reserve Tier.

Planning Commission Recommendation: PLC recommended Denial in a 14 to 0 vote at the October 15, 2021 public hearing.

BCC transmitted as modified by a 5 to 1 vote at the November 3, 2021 public hearing.

MOTION: To adopt an ordinance for the Reserve at Atlantic FLUA and text amendment.

- 12. [PDD/CA-2022-00192](#) Title: an Official Zoning Map Amendment application of Taheri Grandchildrens Trust, Mina Property Group LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) Zoning District
Title: a Class A Conditional Use of Taheri Grandchildrens Trust, Mina Property Group LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a General Day Care
General Location: Southeast corner of Atlantic Avenue and Half Mile Road (**Reserve at Atlantic**) (Control 2021-00058)

Project Manager: Jerome Ottey
 Size: 59.45 acres ±

BCC District: 5

DISCLOSURE

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

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 8-0-1.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a General Day Care.

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

13. [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)
 Project Manager: Imene Haddad
 Size: 612.24 acres ±
 (affected area 4.94 acres ±) BCC District: 5

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.

J. ZONING APPLICATIONS - NEW**K. COMPREHENSIVE PLAN TEXT AMENDMENTS****L. ULDC AMENDMENTS**

14. Title: [ULDC Revisions - Electronic Message Signs](#), Regular Agenda Item

SUMMARY: This is a County initiated item for request for permission to advertise for a proposed to revise Electronic Message Signs in Articles 1, 2, and 8 of the Unified Land Development Code (ULDC). Specifically, this item will allow digital changeable copy/Electronic Message signs for assembly type institutional and civic uses, and will update and revise related sign language for clarity.

Project Manager: Jerome Ottey

MOTION: Staff recommends a motion to approve a request for permission to advertise: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: FOR THE ELECTRONIC MESSAGE SIGNS REVISIONS, AMENDING ARTICLE 1-GENERAL PROVISIONS; ARTICLE 2-APPLICATION PROCESSES AND PROCEDURES; AND ARTICLE 8-SIGNAGE; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

15. Title: [ULDC Revisions - Westgate CRA Overlay and Land Development Permit Extensions](#), Public Hearing Agenda Item

SUMMARY: This item includes revisions to the Westgate Community Redevelopment Area Overlay (WCRAO) to allow the WCRA Board and the Zoning Director to apply less restrictive provisions in the ULDC where there is a conflict between the ULDC and Overlay. The second item was requested by the Land Development Division to revise the ULDC to allow the County Engineer the ability to extend expired Land Development Permits in cases that involve involuntary substitution of developers, and increase flexibility on time extension lengths for required improvements. Unincorporated

Project Manager: Wendy Hernandez

MOTION: Staff recommends a motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: REVISION FOR THE WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY, AMENDING ARTICLE 3-OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; AND REVISION FOR DEVELOPER SUBSTITUTION FOR LAND DEVELOPMENT PERMIT EXTENSIONS, AMENDING; ARTICLE 11-SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS: CHAPTER B, SUBDIVISION REQUIREMENTS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

16. Title: [ULDC Revisions - Septic System Authority and Drinking Water Supply Systems](#), Public Hearing Agenda Item

RECESS AS THE BOARD OF COUNTY COMMISSIONERS AND
CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

SUMMARY: This item has been requested by the Florida Department of Health in Palm Beach County (PBCHD) to update Florida Administrative Code (F.A.C.) references in the Unified Land Development Code (ULDC). This revision will make changes for consistency with the 2021 Florida Legislative Session transferring onsite sewage treatment and disposal system(s) (OSTDS) authority from the Florida Department of Health (FDOH) to the Florida Department of Environmental Protection (FDEP). In addition, the revision will eliminate the requirement that establishments or buildings that utilize a non-transient non-community, or transient non-community or limited use water system and are being constructed, modified, expanded, or changed in operation shall connect to an approved community water supply system when said system is available within 1,000 feet by existing R-O-W or an easement to the property. These revisions will also extend authority to perform a soil classification and system design per the new authority. There is also a deletion to Art. 15.B.9.B and Art. 15.B.9.C that require connection. Countywide and Unincorporated.

MOTION: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 2003-067 and 2003-068, AS AMENDED, AS FOLLOWS: REVISION FOR SEPTIC SYSTEM AUTHORITY AND DRINKING WATER SUPPLY SYSTEMS, AMENDING ARTICLE 1-GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND ACRONYMS; ARTICLE 4-USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; ARTICLE 10-ENFORCEMENT: CHAPTER D, ENVIRONMENTAL CONTROL HEARING BOARD; ARTICLE 11-SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS: CHAPTER E, REQUIRED IMPROVEMENTS; ARTICLE 15-HEALTH REGULATIONS: CHAPTER A, (ENVIRONMENTAL CONTROL RULE I)-ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); CHAPTER B, (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; ARTICLE 18-FLOOD DAMAGE PREVENTION: CHAPTER A, PERMITTING, ADMINISTRATION AND ENFORCEMENT; CHAPTER D, SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS; CHAPTER H, OTHER DEVELOPMENT; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

RECESS AS THE ENVIRONMENTAL CONTROL BOARD AND RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

M. OTHER ITEMS

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

D. OTHER DEPARTMENTS

17. Title: [Land Development Division, Agenda Item, AB61277 Forest Oaks Residential](#)

SUMMARY: Adoption of this Resolution will eliminate the public dedication that is in conflict with development plans by Grillo Golf Management, LLC (Petitioner). The Petitioner requested the County clear the encumbrance to allow Mattamy Homes Corporation to redevelop the existing golf course into 450 townhomes. The drainage easements will be relocated to alternate sites within the development during the permitting process. All reviewing agencies and utility providers have approved this abandonment and the drainage easements serve no present or future public purpose.

BACKGROUND AND POLICY ISSUES: Hearings for abandonments pursuant to Section 336.09 and 177.101, Florida Statutes, are quasi-judicial hearings and are subject to the Palm Beach County Procedures for Conduct of Quasi-Judicial Hearings.

Project Manager: Scott Cantor

MOTION: Staff recommends motion to adopt: a Resolution abandoning any public interest in the drainage easements over and across the water management tracts shown as WMT-1, WMT-2, WMT-3, WMT-4 and WMT-5, Lucerne Lakes Golf Course, according to the plat thereof, as recorded in Plat Book 87, Pages 184 through 189, inclusive, of the Public Records of Palm Beach County (County).

18. Title: Facilities Development and Operations Department, Regular Agenda Item, Lebolo Construction Management, Inc. Contract Amendment No. 2

SUMMARY: On August 14, 2018, the Board of County Commissioners (Board) approved the continuing contract with Lebolo Construction Management, Inc. (R2018-1161) to provide CM services associated with the construction of various federally funded capital projects, which may include new construction, additions, or renovations. The original contract provided for an initial term of two (2) years with one (1) two-year renewal option. On July 14, 2020, the Board approved Amendment No. 1 (R2020-0827) to extend the contract term through August 13, 2022 with a cumulative limit of \$9,000,000. A solicitation for a new continuing contract for construction management services for federally funded project was advertised on September 2, 2021 in accordance with Palm Beach County Purchasing Code 2-54, with final selection taking place on February 24, 2022. A protest to the recommended award has been filed, which has delayed the award process. The current contract expires on August 13, 2022. Staff is submitting Amendment No. 2 to extend the term of the continuing contract with Lebolo Construction Management, Inc. for six (6) months through February 13, 2023 in order to complete the protest and contract award process. Under Section 2-54(b) of the Purchasing Code, the Board may extend contracts entered into as a result of a competitive selection process for up to 12 months, if the Board determines the extension is beneficial to the interest, health, safety or welfare of the County. Staff believes that extending the continuing CM contract for federally funded projects best serves the interests, health, safety, and welfare of the County and its citizens. Lebolo Construction Management, Inc. is a state of Florida recognized Disadvantage Business Enterprise. This contract is exempt from the County's Equal Business Opportunity Ordinance since it is federally funded. (Capital Improvements) Countywide (MWJ)

MOTION: Staff recommends motion to approve: Amendment No. 2 to the continuing construction manager (CM) at risk contract with Lebolo Construction Management, Inc. (R2018-1161) to extend the contract term for six (6) months for construction management services on a continuing contract basis for federally funded projects from August 14, 2022 through February 13, 2023.

19 . Title: Public Safety Department, Public Hearing Agenda Item, 2022 Tow Ordinance

SUMMARY: A preliminary reading of the proposed ordinance revisions was approved by the BCC on July 12, 2022. At the request of the towing industry and administrative need to update the Tow Truck Ordinance, staff convened multiple meetings of industry members from both the towing and immobilization industry. Staff and industry members identified several ways to improve the ordinance while continuing to provide consumer protections. Updates include modification to ordinance language to conform to Florida Statute with respect to signage placement and lien requirements; establishing timelines on certain disqualifying criminal offenses for tow truck drivers; creating a licensing and program for immobilization services that addresses the following: maximum rates, signage requirements, required methods of payment, warning notices on vehicles, insurance requirements, identification requirements, release/response time requirements, awareness to consumers on complaint filing, and violations for non-compliance; allowing credit card convenience fees; e-mail authorizations for private property impounds; creating an annual rate adjustment using the Consumer Price Index (CPI); updating the ordinance name to Towing and Immobilization Services; and improving general readability. The proposed revisions were presented to the Consumer Affairs Hearing Board on June 15, 2022 and League of Cities on June 22, 2022 with no objection. Administration and enforcement of this ordinance is funded entirely through license fees. Countywide (JAW)

MOTION: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE VIII (ORDINANCE NO. 2011-008), PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR TOW TRUCK CLASS SPECIFICATIONS; PROVIDING FOR OPERATING PERMIT REQUIRED; PROVIDING FOR NEW APPLICATIONS/RENEWALS AND ISSUANCE OF AN OPERATING PERMIT AND FEES; PROVIDING FOR INSPECTION OF STORAGE YARDS AND PUBLIC OFFICES REQUIRED; PROVIDING FOR INSURANCE REQUIREMENTS, PROVIDING FOR TOW TRUCK REGISTRATION, TOW TRUCK STANDARDS AND DECALS; PROVIDING FOR INSPECTION PROCEDURES AND REQUIREMENTS FOR TOW COMPANIES; PROVIDING FOR NON-CONSENT MANIFEST, TOWING INVOICE OR TOW SHEET; PROVIDING FOR ADVERTISEMENTS; PROVIDING FOR RECORDS REQUIRED; PROVIDING FOR OPERATING PERMIT REQUIRED TO DO BUSINESS WITH THE COUNTY; PROVIDING FOR NON-CONSENT TOWING WITH PRIOR EXPRESS INSTRUCTION; PROVIDING FOR NOTICE REQUIREMENTS FOR PROVIDING NON-CONSENT TOW SERVICES AT REQUEST OF REAL PROPERTY OWNERS; PROVIDING FOR NON-CONSENT TOW TRUCK COMPANY REQUIREMENTS; PROVIDING FOR CONSENT-ONLY TOW TRUCK COMPANY REQUIREMENTS; PROVIDING FOR MAXIMUM RATES; PROVIDING FOR TOW TRUCK DRIVER REQUIREMENTS AND FAILURE TO COMPLY; PROVIDING FOR FRAUDULENT TRANSFER OF TOW TRUCK COMPANIES; PROVIDING FOR ADDITIONAL REQUIREMENTS FOR PROVIDING IMMOBILIZATION SERVICES; PROVIDING FOR DECEPTIVE AND UNFAIR TRADE PRACTICES; PROVIDING FOR CEASE AND DESIST ORDERS; PROVIDING FOR ASSURANCES OF VOLUNTARY COMPLIANCE; PROVIDING FOR ENFORCEMENT AND CIVIL/CRIMINAL PENALTIES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT, DENIAL, REVOCATION AND SUSPENSION OF OPERATING PERMITS/I.D. BADGES; PROVIDING FOR ADDITIONAL PENALTIES; PROVIDING FOR HEARINGS AND APPEALS; PROVIDING FOR SCOPE OF ORDINANCE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

20. Title: Public Safety Department, Regular Agenda Item, Towing and Immobilization Services Resolution 2022

SUMMARY: The Towing and Immobilization Services Ordinance provides that the BCC shall establish by resolution certain licensing fees, fines, and maximum rates. This proposed resolution adjusts the 2015 maximum towing and storage rates using the Consumer Price Index (CPI) for all Urban Consumers (CPI-U) as published by the U.S Bureau of Labor Statistics each calendar year and establishes an immobilization rate. A multi-year adjustment was made to account for the past 7 years where no adjustment was made for private property impound tows, storage, and after-hours gate fee. The police directed tow rate received a one year adjustment to account for increasing operational costs. Annual rate adjustment language for non-consent towing, storage, and immobilization services using the CPI was incorporated into the Towing and Immobilization Services Ordinance with a requirement to be reviewed by the Board every five years. This new language in the Ordinance is being recommended for approval by the BCC on July 28, 2022. There are no changes recommended for licensing fees or fines relating to towing services, however new fines and licensing fees are proposed for companies providing immobilization services. Countywide (JAW)

MOTION: Staff recommends motion to adopt: a resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida establishing a new schedule of maximum rates for non-consent towing and immobilization services, fees and fines; establishing minimum insurance limits; and repealing and replacing Resolution No. R2014-1622, relating to the Towing and Immobilization Services Ordinance of Palm Beach County, Florida, as codified in the Palm Beach County Code of Ordinances.

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT