



**ZONING COMMISSION
AMENDMENTS TO THE AGENDA
JULY 2, 2024**

CONSENT AGENDA

B. Zoning Applications

2. DOA-2023-01761 Adolph & Rose Levis JCC (1984-00139)

ADD – To add the Staff Recommendation that was inadvertently omitted from the agenda as shown with the added text underlined:

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

AMEND – To amend the Development Order Amendment for the overall MUPD Conditions of Approval Conditions in Exhibit C-1 as shown with the deleted text struck out:

ALL PETITIONS

- 1.{omitted for brevity}

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2022-0898 (Control 1984-129), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners ~~or Zoning Commission~~, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All previous Conditions of Approval applicable to the expansion of the Non-profit Assembly Institutional use within Pod A, as contained in Resolution R-2022-0899 (Control 1984-129), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners ~~or Zoning Commission~~, unless expressly modified. (ONGOING: MONITORING - Zoning)

AMEND – To amend the Development Order Amendment to the Pod B Class A Conditions of Approval in Exhibit C-2 as shown with the deleted text struck out:

ALL PETITIONS

- 1.{omitted for brevity}

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2022-0899 (Control 1984-129), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners ~~or Zoning Commission~~, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

~~6. Prior to Final Approval by the Development Review Officer, the architectural elevations for the Type 3 Congregate Living Facility, Building C of Pod B, shall be submitted for review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 6 of Resolution R-2022-899, Control No.1984-00139)~~

3. DOA-2023-00520 Windsor Place MXP (2003-00079)

AMEND – To amend the Development Order Amendment for the overall MXP Conditions of Approval in Exhibit C-1 as shown with the deleted text struck out:

ALL PETITIONS

4.{omitted for brevity}

Is hereby amended to read:

Is hereby amended to read: All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2023- 0054 (Control 2003-00079), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners ~~or Zoning Commission~~ unless expressly modified. (ONGOING: MONITORING - Zoning)

SIGNS

4.{omitted for brevity}

Is hereby amended to read:

Freestanding Ground Mounted Signs adjacent to Hypoluxo Road, (non-residential portion only) shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point eight (8) feet;
- b. maximum sign face area per side one hundred (100) square feet;
- c. maximum number of signs of three (3); and,
- ~~e-d.~~ one sign shall be located within fifty (50) feet; and one sign shall be within four hundred (400) feet; of the access point, measuring from the centerline of the access drive. (BLDGPM: BUILDING DIVISION - Zoning)

ENGINEERING

13. The Property Owner shall close the existing full median opening on Hypoluxo Road, about 465 feet west of the proposed entrance for Area A, remove both eastbound and westbound U-turn lanes, and reconstruct the median, all as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for ~~the site Area A~~. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for Area A. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Area A. (BLDGPM/CO: MONITORING - Engineering)

AMEND – To amend the Development Order Amendment for the Class A for Type 1 Restaurant with a Drive-Through Conditions of Approval in Exhibit C-2 as shown with the deleted text struck out:

SIGNS

1.{omitted for brevity}

Is hereby amended to read:

Is hereby amended to read: The approved Preliminary Site Plan is dated May 15, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners ~~or the Zoning Commission~~. (ONGOING: ZONING - Zoning)

REGULAR AGENDA

B. ULDC Revisions

5. PPR-2024-0290 Beachfront Properties Waiver – PPR Phase 2

AMEND – To amend the Staff Recommendations and Motions as shown with the deleted text struck out and added text underlined:

Staff Recommendations: ~~Zoning staff recommend approval of request, and the Planning Division recommends with the Comprehensive Plan pursuant to 163.3194, F.S., serving as the Land Development Regulation Commission.~~

a. To recommend approval of proposed ULDC Revision; and

b. To recommend that the proposed ULDC Revision is consistent with the Comprehensive Plan.

MOTION:

a. To approve Staff recommendation for item 5.a.

b. The Zoning Commission, serving as the Land Development Regulation Commission pursuant to 163.3194, F.S., approves Staff recommendation for item 5.b.

6. ABN/PDD/CA-2023-00996 Cypress Creek PUD

AMEND – To amend the Request for Item 6.B in the as shown with the added text underlined to reflect the zoning district of the open space parcels located on Military Trail:

Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District and the Single Residential (RS) Zoning District to the Planned Unit Development (PUD) Zoning District on 122.56 acres

AMEND – To amend the Official Zoning Map Amendment Conditions of Approval in Exhibit C-1 as shown with the added text underlined and the deleted text struck out.

ALL PETITIONS

1. The approved Preliminary Master Plan is dated ~~April 22, 2024~~ May 9, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING – Zoning)

ENVIRONMENTAL RESOURCE MANAGEMENT

8. Prior to the issuance of ~~any~~ the first residential building permit, the ~~a~~Applicant shall ~~provided~~ provide a copy of the Soil Remediation Implementation Report and the Florida Department of Environmental Protection (FDEP) Technical Compliance Letter to ~~ERM~~ for review be submitted to the Department of Environmental Resources Management (ERM). (BLDGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

12. After issuance of the first Certification of Occupancy for the project, an invasive exotic vegetation monitoring report ~~for invasive exotic vegetation shall be submitted to the Department of Environmental Resources Management (ERM) received~~ quarterly for the first year and semi-annually ~~until the fifth year through year five, at which time the monitoring report will no longer be required.~~ (CO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

AMEND – To amend the Class A Conditional Use for the Type 2 Excavation Conditions of Approval Condition in Exhibit C-2 as shown with the deleted text struck out:

ALL PETITIONS

1. The approved Preliminary Master Plan is dated ~~April 22, 2024~~ May 9, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING – Zoning)

PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION



ZONING COMMISSION HEARING

Tuesday, July 2, 2024

**9:00 a.m., 1st Floor Vista Center,
2300 N Jog Rd, West Palm Beach, 33411**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Zoning Commission Annual Election of Chair and Vice Chair
- D. Remarks of the Chair
- E. Notice
- F. Proof of Publication
- G. Swearing In
- H. Approval of the Minutes
- I. Amendments to the Agenda
 - Presentation of Add/Delete
 - Request to Pull Items from Consent
 - Motion to adopt the Agenda
- J. Disclosures for All items on Agenda
- K. Conflicts/Recusals

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
ZONING COMMISSION
JULY 2, 2024

CALL TO ORDER

- A. Roll Call – 9:00 AM.
- B. Opening Prayer and Pledge of Allegiance
- C. Zoning Commission Annual Election of Chair and Vice Chair
- D. Remarks of the Chair

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista enter, Ken Rogers Hearing Room, VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider proposed applications and staff recommendations pursuant to and other actions the Palm Beach County Unified Land Development Code. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on other requests. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on applications not subject to Zoning Commission final action.

- E. 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:

- 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 Chair, 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.

- F. Proof of Publication - **Motion** to receive and file
- G. Swearing In - County Attorney
- H. Approval of the Minutes - [Motion to approve the Minutes](#)
- I. Amendments to the Agenda
 - Presentation of Add/Delete
 - Request to Pull Items from Consent
 - **Motion** to adopt the Agenda
- J. Disclosures for all items on Agenda
- K. Conflicts/Recusals

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. Zoning Applications
 - 1. [Z-2024-00162 NorWest Pointe \(2023-00047\)](#)

Zoning Application of One Mile Properties LLC, Michael Crabb, Anthony Amante by JMorton Planning & Landscape Architecture

Zoning Application of CH76 Investment LLC by PLACE Planning & Design

Location: Northwest corner of Westgate Avenue and Tallahassee Drive

Project Manager: Jerome Small, Senior Site Planner

BCC District: 7

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

 - a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Commercial Neighborhood (CN) Zoning District on 0.27 acres and Residential High Density (RH) Zoning District on 0.27 acres to the Residential Multifamily (RM) Zoning District on 0.54 acres.

MOTION: To recommend approval of item 1.a
 - 2. [DOA-2023-01761 Adolph & Rose Levis JCC \(1984-00139\)](#)

Zoning Application of Jewish Community Facilities Corporation by WGINC

Location: South and east side of Ruth and Baron Coleman Blvd, approx. 600 feet west of 95th Ave. S

Project Manager: Michael Birchland, Site Planner II

BCC District: 5

 - a. **Title:** a Development Order Amendment **Request:** to modify the overall Master Plan and to modify Conditions of Approval on 115.77 acres

MOTION: To recommend approval of item 2.a

 - b. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan to add and delete uses and to modify Conditions of Approval on 40.22 acres

MOTION: To recommend approval of item 2.b
 - 3. [DOA-2023-00520 Windsor Place MXPD \(2003-00079\)](#)

Zoning Application of Hatzlacha-WP Holdings, LLC by WGINC

AJP Consulting Services LLC

Location: Northwest corner of Hypoluxo Road and Lyons Road

Project Manager: Imene Haddad, Senior Site Planner

BCC District: 6

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

a. **Title:** a Development Order Amendment **Request:** to modify the overall Master Plan and Site Plan for the Commercial Pod to add a building, reduce square footage, reconfigure the site layout, and modify uses and Conditions of Approval on 40.0 acres.

MOTION: To recommend approval of item 3.a

b. **Title:** a Development Order Amendment **Request:** to modify the Class A Conditional Use Type I Restaurant with drive-through to reduce square footage, relocate to a single building, and modify Conditions of Approval on 40.0 acres.

MOTION: To recommend approval of item 3.b

4. [ABN/PDD/CA-2023-00832 Spring Haven MUPD \(1973-00033\)](#)

Zoning Application of West Palm Beach Lodge # 1352 by Schmidt Nichols

Location: Southeast corner of Belvedere Road and 62nd Drive North

Project Manager: Joyce Lawrence, Senior Site Planner

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibits C1 and C2.

a. **Title:** a Development Order Abandonment **Request:** to abandon a Special Exception for a Fraternal Organization approved by Resolution R-73-401 on 11.64 acres

MOTION: To recommend approval of item 4.a

b. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 11.64 acres

MOTION: To recommend approval of item 4.b

c. **Title:** a Class A Conditional Use **Request:** to allow a combined density increase through the Workforce Housing Program (WHP) and Transfer of Development Rights (TDR) in excess of 2 units per acre 71 (an additional 105 WHP and TDR units) 11.64 acres

MOTION: To recommend approval of item 4.c

- END OF CONSENT AGENDA -

REGULAR AGENDA

A. **Items Pulled From Consent**

B. **ULDC Revisions**

5. [PPR-2024-0290 Beachfront Properties Waiver – PPR Phase 2](#)

Summary: The item before the Board is a Privately Proposed Revision (PPR) to the Unified Land Development Code (ULDC) as summarized below:

- To establish a Type 2 Waiver process for applicants to request a reduction in front setback and the additional height setback in order to allow for redevelopment of multifamily residential properties abutting the Atlantic Ocean.

Staff Assessment: The proposed PPR would allow Property Owners with existing multi-family uses along the County's coastline to apply for a Type 2 Waiver for approval by the BCC to request a reduction in setbacks. The Waiver is proposed to be limited to sites proposing the redevelopment of multifamily structures that are currently built over 35 feet in height with existing RM or RH Zoning. The proposed waiver process will allow the Board to consider the unique attributes of each subject site during the development review process, and will accommodate the redevelopment of sites to reflect changes to the Building Code and FEMA regulations and allow for existing structures to be replaced

with buildings more resistant to erosion and flooding along the coast. Staff has worked with the Applicant and applicable County Agencies to provide a more targeted and detailed revision in Phase 2. If approved for Permission to Advertise, this item will be presented to the Zoning Commission for a Comprehensive Plan consistency recommendation, then subsequently be presented for final approval by the BCC.

Staff Recommendation: Zoning staff recommend approval of request, and the Planning Division recommends a finding of consistency with the Comprehensive Plan pursuant to 163.3194, F.S., serving as the Land Development Regulation Commission.

ZC Initiation Recommendation: Recommended to approve Phase 1 and to initiate Phase 2 by a vote of 7-0 on April 4, 2024.

BCC Initiation: On April 25, 2024, the BCC approved initiation of Phase 2 by a vote of 7-0.

BCC Permission to Advertise: On June 20, 2024, the BCC approved Request for Permission to Advertise by a vote of 7-0.

MOTION: To approve Staff recommendation for item 5.

C. Zoning Applications

6. [ABN/PDD/CA-2023-00996 Cypress Creek PUD \(1977-00052\)](#)

Zoning Application of Alex Martin, True Shot LLC - William Marcacci, Shot True by WGINC

Location: East side of S Military Trail, approx. 0.30 miles north of Old Boynton Road

Project Manager: Imene Haddad, Senior Site Planner

BCC District: 2

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

a. Title: a Development Order Abandonment **Request:** to abandon Special Exception to allow a Golf Course, Clubhouse and accessory facilities on 130.30 acres

MOTION: To recommend approval of item 5.a

b. Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 122.56 acres

MOTION: To recommend approval of item 5.b

c. Title: a Class A Conditional Use **Request:** to allow Type 2 Excavation with removal of more than ten percent of the extracted material from the site on 122.56 acres

MOTION: To recommend approval of item 5.c

- END OF REGULAR AGENDA -

COMMENTS

- A. COUNTY ATTORNEY**
- B. PLANNING DIRECTOR**
- C. ZONING DIRECTOR**
- D. EXECUTIVE DIRECTOR**
- E. COMMISSIONERS**

ADJOURNMENT