



**ZONING COMMISSION
AMENDMENTS TO THE AGENDA
JULY 6, 2023**

CONSENT AGENDA

1. ZV/CA-2022-01490 Islamic Center School

AMEND – Class A Conditional Use-Elementary and Secondary School to revise Access Condition 1 in Exhibit C-2 as shown with the deleted text struck out and the added text underlined:

ACCESS

1. Prior to recordation of the plat ~~Final Approval by the Development Review Officer~~, the Property Owner shall record a Cross Access Agreement from the subject property to the property to the south in a form and manner that is acceptable to the County Attorney's office. (~~DRO-PLAT~~: ZONING - Zoning)

AMEND – Class A Conditional Use General Daycare to revise Access Condition 1 in Exhibit C-3 as shown with the deleted text struck out and the added text underlined:

ACCESS

1. Prior to recordation of the plat ~~Final Approval by the Development Review Officer~~, the Property Owner shall record a Cross Access Agreement from the subject property to the property to the south in a form and manner that is acceptable to the County Attorney's office. (~~DRO-PLAT~~: ZONING - Zoning)

4. ZV/Z-2022-00534 Four Season

AMEND – Type 2 Variance Condition of Approval to revise All Petitions Condition 3 in Exhibit C-1 as shown with the deleted text struck out and the added text underlined:

ALL PETITIONS

4. The Development Order for this Variance shall be valid till ~~May 11~~ July 5, 2024, a period of one year from the date of the Zoning Hearing. The Property Owner must secure a Building Permit or Commencement of Development to vest this Variance.

REGULAR AGENDA

6. SV-2022-1887 True Deliverance Church of God

AMEND – Staff Report Staff recommendation to revise the Article 2 reference with the deleted text struck out and added text underlined.

STAFF RECOMMENDATION: Staff recommends denial of the request due to failing to meet the standards enumerated in Article 2, Section 2.B.~~3.7~~.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission may authorize a variance. If the request is approved by the Zoning Commission, the request will be subject to the standard Zoning Conditions of Approval as indicated in Exhibit C.

7. SV-2022-1904 Da Costa Horn Marshalls Road Lot Split

AMEND – Staff Report Staff recommendation to revise the Article 2 reference with the deleted text struck out and added text underlined.

STAFF RECOMMENDATION: Staff recommends denial of the request due to failing to meet the standards enumerated in Article 2, Section 2.B.~~3.7~~.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission may authorize a variance. If the request is approved by the Zoning Commission, the request will be subject to the standard Zoning Conditions of Approval as indicated in Exhibit C.

AMEND – Subdivision Summary Table to revise the required and proposed as shown with the deleted text struck out and added text underlined.

SUBDIVISION SUMMARY TABLE

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	32-Foot minimum right-of-way <u>60-foot right-of-way</u>	20-foot easement <u>30-foot right-of-way,</u> <u>50-foot easement,</u> <u>30-foot easement</u>	Up to a 30-foot right-of-way
11.E.2.A.2 Chart of Minor Streets	60-foot section with 20-foot travel lane width	10.9-foot travel way at the narrowest point	30 foot section and 9.1-feet of travel way at the narrowest point



ZONING COMMISSION MEETING

Thursday, July 6, 2023

9:00 a.m., 1st Floor, Vista Center

2300 N. Jog Road, West Palm Beach, FL 33411

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication
- F. Swearing In
- G. Approval of the Minutes
- H. Amendments to the Agenda
- I. Disclosures for All Items on Agenda
- J. Conflicts/Recusals

POSTPONEMENTS/REMANDS/WITHDRAWALS

CONSENT

REGULAR

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 6, 2023

CALL TO ORDER

- A. Roll Call - 9:00 a.m.
- B. Opening Prayer and Pledge of Allegiance
- C. 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 applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on accepting, rejecting, or modifying the recommendations of staff regarding 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 **Wednesday, July 19, 2023** to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests and Administrative Inquiries.

D. 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.

- E. Proof of Publication - **Motion** to receive and file
- F. Swearing In - County Attorney
- G. Approval of the Minutes - **Motion** to approve the minutes
- H. Amendments to the Agenda
 - Presentation of Add/Delete
 - Request to Pull Items from Consent
 - **Motion** to adopt the Agenda
- I. Disclosures for All Items on Agenda
- J. Conflicts/Recusals

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. Postponements / Remands

B. Withdrawals

- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. Requests To Pull Items From Consent

B. Zoning Applications

1. [ABN/DOA/CA-2022-01020 Sykes PCD](#) (Control 1982-00129)

Zoning Application of Okee 704 LLC by Schmidt Nichols, Agent.

Location: South side of Okeechobee Boulevard, approximately 200 feet west of the Florida Turnpike.

Project Manager: Cody Sisk/Carlos Torres

BCC District: 2

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

a. **Title:** a Development Order Abandonment **Request:** to abandon a Hotel on 7.23 acres

MOTION: No motion required for Abandonment.

b. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan; delete square footage; add and delete uses and to modify Conditions of Approval on 7.23 acres

MOTION: To recommend approval of item 1.b

c. **Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 7.23 acres

MOTION: To recommend approval of item 1.c

2. [SV/CA-2022-01490 Islamic Center School](#) (Control 2022-00007)

Zoning Application of Islamic Center of West Delray Beach Inc. by Urban Design Studio, Agent.

Location: South side of 152nd Place S, approximately 1,300 feet East of Lyons Road

Project Manager: Vincent Stark

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C1 through C-3.

a. **Title:** a Subdivision Variance **Request:** to allow a reduction in the legal access width on 9.85 acres

MOTION: To adopt a resolution approval of item 2.a

b. **Title:** a Class A Conditional Use **Request:** to allow a Elementary and Secondary School on 9.85 acres

MOTION: To recommend approval of item 2.b

c. **Title:** a Class A Conditional Use **Request:** to allow a General Daycare on 9.85 acres

MOTION: To recommend approval of item 2.c

3. [CA-2022-01916 Fit Pup](#) (Control 2022-00100)
Zoning Application of DKM Land Company LLC by Land Research Management Inc., Agent.
Location: South side of 150th Court North, approx. 0.25 miles east of 133rd Terrace North
Project Manager: Donna Adelsperger
BCC District: 1
Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.
 - a. **Title:** a Class A Conditional Use **Request:** to allow a Limited Pet Boarding on 3.11 acres
MOTION: To recommend approval of item 3.a.

4. [ZV/Z-2022-00534 Four Seasons Retail](#) (Control 1973-00079)
Zoning Application of Four Seasons Military LLC by Schmidt Nichols, Agent.
Location: West side of Military Trail, approximately 200 feet north of Lilian Avenue
Project Manager: Jordan Jafar
BCC District: 1
Staff Recommendation: Staff recommends approval of the requests with a Conditional Overlay Zone (COZ) and subject to the Conditions of Approval as indicated in Exhibit C-1 through C-2.
 - a. **Title:** a Type 2 Variance **Request:** to reduce the number of parking spaces on 1.19 acres
MOTION: To adopt a resolution approving item 4.a
 - b. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Community Commercial (CC) Zoning District on 1.19 acres, including a Conditional Overlay Zone recommended by Staff
MOTION: To recommend approval of item 4.b

5. [SV/ZV/ABN/Z-2022-01751 First Care Office](#) (Control 2005-00193)
Zoning Application of First Care Family Resources Inc. by JMorton Planning & Landscape Architecture, Agent.
Location: Southeast corner of Northlake Boulevard and N Bates Road
Project Manager: Vincent Stark
BCC District: 1
Staff Recommendation: Staff recommends approval of the requests with a Conditional Overlay Zone (COZ) and subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.
 - a. **Title:** a Subdivision Variance **Request:** to allow access from a major street on 0.98 acres
MOTION: To adopt a resolution approving item 5.a
 - b. **Title:** a Type 2 Variance **Request:** to allow a reduction in lot size, Right-of-Way buffer width, and Foundation planting on 0.98 acres
MOTION: To adopt a resolution approving item 5.b
 - c. **Title:** a Development Order Abandonment **Request** to abandon an Elementary or Secondary School on 0.98 acres
MOTION: No motion required for Abandonment.
 - d. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Residential Transitional (RT) Zoning District to the Commercial Low Office (CLO) Zoning District on 0.98 acres, including a Conditional Overlay Zone recommended by Staff
MOTION: To recommend approval of item 5.d

- END OF CONSENT AGENDA -

REGULAR AGENDA

A. Items Pulled From Consent

B. Previously Postponed Subdivision Variance

6. [SV-2022-01887 True Deliverance Church of God](#) (Control 2022-00108)

Zoning Application of True Deliverance Church of God Inc. by H&L Planning & Development, Agent.

Location: Northeast corner of Tangerine Blvd and 130th Ave N

Project Manager: Scott Cantor

BCC District: 1

Staff Recommendation: Staff recommends **denial** of the request. Should the ZC approve this request, it should be subject to the Condition of Approval as indicated in Exhibit C.

a. Title: a Subdivision Variance **Request:** to allow access from an 80-foot access easement on 2.65 acres

MOTION: To adopt a resolution **denying, with prejudice**, item 6.a

C. Subdivision Variance

7. [SV-2022-01904 DaCosta Horn Marshall Road Lot Split](#) (Control 2022-00109)

Zoning Application of Kevin Horn by Richard W. Carlson Jr Esq., Agent.

Location: West of Cleary Road and south of State Road 80

Project Manager: Scott Cantor

BCC District: 2

Staff Recommendation: Staff recommends **denial** of the request. Should the ZC approve this request, it should be subject to the Conditions of Approval as indicated in Exhibit C.

a. Title: a Subdivision Variance **Request:** to allow access from the existing 30-foot road easement with no sidewalks on 4.63 acres

MOTION: To adopt a resolution **denying, without prejudice**, item 7.a

- END OF REGULAR AGENDA -

COMMENTS

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

ADJOURNMENT