



**BOARD OF COUNTY COMMISSIONERS ZONING HEARING  
AMENDMENTS TO THE AGENDA  
JULY 19, 2023**

**POSTPONEMENT**

2. **SV/CA-2022-01490, Islamic Center School** (Control 2022-00007)

**MOVE - Item to Postponement Agenda, A. Postponements/Remands** (see attached request)

**AMEND - To revise Staff Recommendation and Motion** as shown below with the added text underlined and deleted text struck out.

**Staff Recommendation:** Staff recommends approval of a time extension and postponement to the August 24, BCC Hearing ~~the requests, subject to the Conditions of Approval as indicated in Exhibit C-2 and C-3.~~

**MOTION:** To approve staff recommendation for item 2. ~~To adopt a resolution approving item 2.a. and 2.b.~~

**CONSENT**

3. **CA-2022-01916, Fit Pup** (Control 2022-00100)

**ADD – To amend the Class A Conditional Use** to modify Conditions of Approval in Exhibit C as shown below with the added text underlined and deleted text struck out.

**Use Limitations**

- 1. Outdoor activities shall be limited from ~~7:00 a.m. to 9:00 p.m.~~ 8:00 a.m. to 7:00 p.m. unless under the restraint or control of a person by means of a leash. (ONGOING: CODE ENF - Zoning)
- 4. Drop-off and pick-up hours shall be limited to 8:00 a.m. to 7:00 p.m. (ONGOING: CODE ENF - Zoning)

4. **ZV/Z-2022-00534, Four Seasons Retail** (Control 1973-00079)

**ADD – To amend the Official Zoning Map Amendment** to modify Conditions of Approval in Exhibit C-2 as shown below with the added text underlined and deleted text struck out.

**ALL PETITIONS**

- 1. The Preliminary Site Plan is dated May 11, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, to site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code or changes to the use (Variety Store) as indicated on the provided Parking Statement analysis, must be approved by the Board of County Commissioners Zoning Commission. (ONGOING: ZONING - Zoning)

**LANDSCAPING**

- 1. In addition to the requirements for Right of Way and Incompatibility buffers for the East and West property lines, the Property Owner shall use/plant pines in place of palms. The quantity shall be one pine for each 20 linear feet. (DRO/BLDG PERMIT: ZONING – Zoning)

## ENGINEERING

3. Upon the construction and paving of the cross access to the property line as required by Planning Condition Number 3, the Property owner shall install a fence (or other temporary barricade acceptable to the County Engineer) along the south property line at the cross access location. Said barricade shall remain until the property to the south records a reciprocal easement, paves to Four Seasons' cross access easement, and relocates or eliminates the eastern-most Lillian Avenue connection. Prior to the final site plan approval, the Property Owner shall record cross access easement for the adjacent properties to the north and south sides. (~~DRO~~ONGOING: MONITORINGENGINEERING - Engineering)

July 17, 2023

Lisa Amara, Director  
PALM BEACH COUNTY  
ZONING DIVISION  
2300 N. Jog Road  
West Palm Beach, FL 33411

**urban  
design  
studio**

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Urban Design  
Land Planning  
Landscape Architecture

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Re: **Islamic Center School**  
**Application No. SV/CA-2022-01490**

Dear Ms. Amara:

As discussed, this letter is to request postponement of the above referenced application for the zoning hearing before the Board of County Commissioners from July 19, 2023, to August 24, 2023. The purpose of the postponement is to work out a final condition.

We appreciate your consideration and understand that this postponement will be handled through an add/delete to the agenda. Please let me know if otherwise.

Sincerely,

**URBAN DESIGN STUDIO**



Bradley D. Miller  
Principal/Project Manager

Cc: Saed Khalil - via email



**BOARD OF COUNTY COMMISSIONERS**

**ZONING MEETING**

**Wednesday, July 19, 2023**

**9:30 A.M.**

**BCC Chambers 6th Floor, Jane M. Thompson Memorial Chambers**

**301 N. Olive Avenue, West Palm Beach, FL 33401**

**CALL TO ORDER**

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT**

**REGULAR**

**OTHER DEPARTMENT ITEMS**

**COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*

**ZONING HEARING AGENDA  
PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
JULY 19, 2023**

**CALL TO ORDER**

- A. Roll Call - 9:30 A.M.
- B. Invocation 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 - **Motion** to Adopt the Agenda

## 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. DISCLOSURES FOR THE CONSENT ITEMS
- C. 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:** Carlos Torres

**BCC District:** 2

**Staff Recommendation:** Staff recommends approval of the request, subject to the Condition 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

**Zoning Commission Recommendation:** No motion required.

**MOTION:** To adopt a resolution approving item 1.a.

- 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

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

**MOTION:** To adopt a resolution approving item 1.b.

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

**Zoning Commission Recommendation:** Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

**MOTION:** To adopt a resolution approving 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:** 5

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

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

**Zoning Commission Recommendation:** Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

**MOTION:** To adopt a resolution approving item 2.a.

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

**Zoning Commission Recommendation:** Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

**MOTION:** To adopt a resolution approving item 2.b.

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

**Zoning Commission Recommendation:** Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

**MOTION:** To adopt a resolution approving 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-2.

a. **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

**Zoning Commission Recommendation:** Recommended Approval of an Official Zoning Map Amendment with a Conditional Overlay Zone by vote of 7-0-0.

**MOTION:** To adopt a resolution approving item 4.a

**D. OTHER DEPARTMENT ITEMS**

**5. Title: [AB62187 Home Depot Lantana Utility Easement Abandonment](#)**

**Land Development Application** of Home Depot U.S.A., Inc. by Corporate Property Services, Inc., Agent

**Location:** On the west side of Seacrest Boulevard, south of Hypoluxo Road

**Project Manager:** Scott B. Cantor, Director, Land Development Division

**BCC District:** 7

**Summary:** The Petitioner requested the County clear the encumbrance to allow the vacant Sam's Club building to be redeveloped into a Home Depot retail store. All reviewing agencies and utility service providers have approved this abandonment and the utility easement to be abandoned serves no present or future public purpose.

**Background and Policy Issues:** Hearings for abandonments pursuant to Section 177.101, Florida Statutes, are quasi-judicial hearings and are subject to the Palm Beach County Procedures for Conduct of Quasi-Judicial Hearings. This item requires ex-parte disclosure.

**Staff Recommendation:** Staff recommends approval of the request.

- a. Title:** Utility Easement Abandonment **Request:** to abandon portions of the 12-foot wide utility easement in Parcel 1 of "Hy-Crest Center", according to the plat thereof, as recorded in Plat Book 64, Page 177, Public Records of Palm Beach County.

**MOTION:** To adopt a resolution approving item 5.a

**6. Title: [Transit Village - Temporary Access Easement Agreement](#)**

**Facilities Development and Operations Department (FDO) request**

**Summary:** On August 14, 2012, the County entered into an Agreement for Purchase and Sale (R2012-1158, as amended thrice: R2018-0956; R2020-0517; and R2021-1587; collectively referred to as PSA) with Transit Village, LLC (TV) for the sale of a portion of the County-owned parcel of land at the southeast corner of Banyan Boulevard and Clearwater Drive, which is the current site of the County's Intermodal Transit Center (ITC Property). Pursuant to the PSA, TV is to construct a mixed-use development, including a parking garage on the ITC Property (Project). On June 13, 2023, the Board of County Commissioners (Board) approved the replat of the ITC Property, which was subsequently approved by the City of West Palm Beach City Commission on June 26, 2023. At closing and subsequent to recordation of the plat, the County will convey Tracts 1 and 2 totaling 4.11 acres (Tracts 1 and 2) to TV, together with the air rights commencing 21 feet 4 inches atop Tract 3. The Temporary Access Easement Agreement (TAEA) will allow the County to use Tract 1 for ingress and egress to access the ITC Property that will continue to be owned and operated by the County (Tract 3) during the initial phase of construction of the Project until such time as ITC operations are relocated temporarily to the property owned by the City of West Palm Beach located at 205 S. Tamarind Avenue, which is to become leased by TV. Consistent with prior Board direction to collaborate with TV toward Project attainment, included as Attachment 3 to this agenda item is a summary of pending matters which must be addressed prior to closing; eight critical items remain and County Staff has been continuously and consistently advising TV of its criticality since 2022 (i.e., the kick-off meeting for the Project was held at TV's request on April 29, 2022).

**Staff Recommendation:** Staff recommends approval of the Temporary Access Easement Agreement.

- a. Title:** a Temporary Access Easement Agreement over a portion of the County's existing Intermodal Transit Center Property, a portion of which will be conveyed to Transit Village, LLC, pursuant to an Agreement for Purchase and Sale (R2012-1158), for the purpose of accessing said portion for continuous ITC operations during the initial phase of construction of the Transit Village Project until such time as ITC operations are relocated to a temporary location, at no cost to the County.

**MOTION:** To approve item 6.a.



**- END OF CONSENT AGENDA -**

**REGULAR AGENDA**

- A. ITEMS PULLED FROM CONSENT**
- B. ZONING APPLICATIONS**
- C. COMPREHENSIVE PLAN AMENDMENTS WITH CONCURRENT ZONING APPLICATIONS**

**7. [SCA-2023-017](#) **First Care Office** (Control 2005-00193)**

**Title/Request:** a Small Scale Future Land Use Amendment to change the future land use designation from Low Residential, 1 unit per acre (LR-1) to Commercial Low-Office with an underlying 1 unit per acre (CL-O/1) on 0.98 acres.

**Future Land Use Amendment 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:** Laurie Harari

**BCC District:** 1

**Staff Recommendation:** Approval of the proposed amendment to change a future land use designation from Low Residential, 1 unit per acre (LR-1) to Commercial Low-Office with an underlying 1 unit per acre (CL-O/1).

**Planning Commission Recommendation:** Recommended Approval in an 11 to 0 vote at the June 9, 2023 Public Hearing..

**MOTION:** To adopt an Ordinance for the First Care Office amendment.

**8. [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-3.

**a. Title:** a Development Order Abandonment **Request** to abandon an Elementary or Secondary School on 0.98 acres

**Zoning Commission Recommendation:** No motion required.

**MOTION:** To adopt a resolution approving item 8.a.

**b. 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

**Zoning Commission Recommendation:** Recommended Approval of an Official Zoning Map Amendment with a Conditional Overlay Zone by a vote of 6-0-1.

**MOTION:** To adopt a resolution approving 8.b.

**D. ULDC REVISIONS**

**9. Title: [Unity of Title, ULDC First Reading and Adoption](#)**

**Summary:** The item before the Board is first reading and adoption of an ordinance to modify the Unified Land Development Code (ULDC) to the Unified Land Development Code (ULDC). Specifically, the revisions in this report address the following:

- Return to the ULDC the option for a property owner with two adjacent residential lots to record a Unity of Title in order to place an accessory structure on the lot without the principal residence.

**Staff Recommendation:** Staff recommends approval of first reading and adoption of an ordinance to revise the ULDC.

**LDRAB Recommendation:** The LDRAB met on June 21, 2023 and recommended approval by a vote of 10-0.

**LDRC Determination:** The LDRC met on June 21, 2023 and determined the amendment is consistent with the Comprehensive Plan by a vote of 10-0.

**BCC Permission to Advertise:** The BCC approved permission to advertise for first reading and adoption on June 22, 2023 by a vote of 7-0.

**MOTION:** To adopt an ordinance approving item 9.

**END OF REGULAR AGENDA**

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**10. Title: [Agricultural Reserve Conservation Easement template](#) for Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) preserves with Commerce (CMR) Future Land Use designation**

**Summary:** Conservation Easements for Agricultural Reserve preserves are required by Comprehensive Plan policies and subsequent development order conditions specific to each zoning approval. Historically, the Board of County Commissioners approves Conservation Easements in a standardized form or template for use in specific conditions and developments. Recent land use approvals in the Agricultural Reserve Tier for projects that employ the AGR-MUPD zoning district with a Commerce future land use designation necessitate the establishment of these new AGR-MUPD easement templates to accommodate new development.

**Staff Recommendation:** Staff recommends approval.

**MOTION:** To establish a new Conservation Easement template for AGR-MUPDs with Commerce Future Land Use designations.

**D. EXECUTIVE DIRECTOR**

**E. ASSISTANT COUNTY ADMINISTRATOR**

**F. COMMISSIONERS**

**ADJOURNMENT**