



**ZONING COMMISSION
AMENDMENTS TO THE AGENDA
DECEMBER 7, 2023**

CONSENT AGENDA

3. SV/CA-2023-00532 Boca Raton Achievement Center

AMEND - To revise the staff report to correct the acreage from 5.10 acres to 5.00 acres

REGULAR AGENDA

4. SV-2022-01890 GLMC Warehouse

AMEND - To amend the Staff Report Findings Item “d” on Page 3 to correct an error as shown as follows with the added text underlined and deleted text struck out.

- d) ***Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship (undue hardship).***

Applicant’s Response: The literal interpretation and enforcement of the terms and provisions of the ULDC would deprive Petitioner of rights commonly enjoyed by other commercial parcels of land in the CG zoning district, and would cause unnecessary and undue hardship. The literal interpretation of this provision of the ULDC would prevent any commercial development of the Property, ~~which would essentially result in a taking which is currently sitting vacant~~. According to Table 11.E.2.A-2, commercial legal access along a road easement is not an enumerated possibility. This table allows commercial legal access to be obtained from a non-plan collector, marginal access, or local Commercial Street. When the property to the north was developed in 1996, the County did not require that project to dedicate a public roadway, which would have connected the Property to Hypoluxo Road. As such, literal interpretation and enforcement of the terms and provisions of the ULDC would deprive Petitioner of rights commonly enjoyed by other parcels of land in the CG zoning district and would work an unnecessary and undue hardship

AMEND - To amend Subdivision Variance Condition of Approval to modify Engineering Condition 1 in Exhibit C as shown as follows with the added text underlined.

ENGINEERING CONDITION:

- 1. Prior to the issuance of the Certificate of Occupancy, the Property Owner shall improve Thompson Road from Hypoluxo Road to the proposed driveway connection and transition to the existing roadway section to be consistent with Palm Beach County standards for a non-plan collector/local commercial roadway, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. 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. (CO: MONITORING - Engineering)



ZONING COMMISSION HEARING

Thursday, December 7, 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
 - 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

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
DECEMBER 7, 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 Center, Ken Rogers Hearing Room, VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider proposed applications and staff recommendations pursuant to 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.

- 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. [CA-2023-00369 Court Daycare](#) (Control 2023-00019)

Zoning Application of 4298 Hypoluxo Rd LLC by Dunay iskel and Backman LLP, Agent.

Location: South side of Hypoluxo Road, approximately 1,000 feet east of S. Military Trail

Project Manager: Vincent Stark

BCC District: 2

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 General Daycare on 0.89 acres

MOTION: To recommend approval of item 1.a

2. [DOA-2023-00877 Palm Beach County Firefighters Employee Benefits Fund](#) (Control 1996-00041)

Zoning Application of Palm Beach County Firefighters by Insite Studios, Agent

Location: Southeast corner of 7th Place North and Pike Road

Project Manager: Imene Haddad

BCC District: 2

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

a. **Title:** a Development Order Amendment **Request:** to reconfigure the site plan, add square footage, and Modify Conditions of Approval on 27.23 acres

MOTION: To recommend approval of item 2.a

3. [SV/CA-2023-00532 \(Boca Raton Achievement Center\)](#) (2023-00035)

Zoning Application of United Spectrum Corp. by Urban Design Studio, Agent.

Location: North side of 155th Street S, approximately 0.11 miles east of Lyons Road

Project Manager: Nancy Frontany

BCC District: 5

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

a. **Title:** a Subdivision Variance **Request:** to allow access from a 40 feet wide easement on 5.10 acres

MOTION: To adopt a resolution approving item 3.a

b. **Title:** a Class A Conditional Use **Request** to allow an Private Elementary or Secondary School on 5.10 acres

MOTION: To recommend approval of item 3.b

- END OF CONSENT AGENDA –

REGULAR AGENDA

A. Items Pulled From Consent

B. Zoning Applications

C. Subdivision Applications

4. [SV-2022-01890 \(GLMC Warehouse\)](#) (2001-50052)

Zoning Application of GLMC Group LLC by Dunay, Miskel and Backman, LLP, Agent.

Location: West side of Thompson Road, approximately 200 feet south of Hypoluxo Road

Project Manager: Vern Vaughan

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

a. **Title:** a Subdivision Variance **Request:** to allow access from the existing 40-foot easement on 0.71 acres

MOTION: To adopt a resolution approving tem 4.a

- END OF REGULAR AGENDA –

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT