

AMEND COMPLIANCE Condition 1 of Exhibit C-1 to read as follows:

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the ~~Board of County Commissioners~~ **Zoning Commission** for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

REGULAR AGENDA

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 8. (1-13) **ZV-2020-02120, Delray Self Service Storage (1994-00053)**

DELETE ALL PETITIONS Condition 2 of Exhibit C, and renumber accordingly. [This condition is duplicative of ALL PETITIONS Condition 1.]

D. ZONING APPLICATIONS – NEW

- 10. (12-13) **PDD/DOA/CA-2021-01612, PGA Waterfront (1984-00159)**

DELETE ENVIRONMENTAL Condition 1 of Exhibit C-2. [This condition is no longer applicable.]:

AMEND ALL PETITIONS Condition 1 of Exhibit C-3 to read as follows:

1. The approved Site Plan is dated March 11, 2022. 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)

AMEND COMPLIANCE Condition 1 of Exhibit C-3 to read as follows:

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the ~~Voluntary Commitments~~ Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

- 11. (1-120) **SV/ZV/ABN/PDD/CA-2021-00533, Fount MUPD (1979-00268)**

AMEND COMPLIANCE Condition 1 of Exhibit C-2 to read as follows:

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the ~~Board of County Commissioners~~ for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

REVISE AND REPLACE MOTION #2 for Type 2 Variance

MOTION: To adopt a resolution approving a Type 2 Variance to allow a 12 foot easement overlap into a 20-foot Right of Way Landscape Buffer, subject to the Conditions of Approval as indicated in Exhibit C-2.



THURSDAY APRIL 7, 2022
MINUTES

CALL TO ORDER

A. Roll Call 9:05 AM

- | | |
|--|----------------|
| Commissioner John Kern, Chair | Present |
| Commissioner Marcelle Griffith Burke, Vice Chair | Present |
| Commissioner Cheri Pavlik | Present |
| Commissioner Michael Kelley | Present |
| Commissioner Sam Caliendo | Present |
| Commissioner Sheri Scarborough | Present (9:07) |
| Commissioner Alex Brumfield | Present (9:15) |
| Commissioner Mark Beatty | Present |
| Commissioner Jess Sowards | Present |

- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication

Motion to receive and file, approved by a vote of 8-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes

- F. Swearing In – County Attorney
- G. Adoption of the Minutes

Motion to receive and file, approved by a vote of 8-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Moved	Second				
Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes

H. Amendments to the Agenda

Mrs. Hernández read into the record modifications published on the Amendments to the Agenda form. In addition advised the Board that Staff was working with the Applicant on Use Limitations Conditions for item # 8, SV/DOA-2021-000921 Palm Beach Logistics. Mrs. Hernández advised the Board that there were no cards received for item #10, SV/PDD/CA-2021-00460, All Seasons Delray Beach, and it was at the discretion of the Board if they would like to move the item from the Regular Agenda to the Consent Agenda.

I. Motion to adopt the Agenda

Motion to receive and file, approved by a vote of 8-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes

J. Disclosures

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
9	9	None	None	9,10	9	None	9	9

* Commissioner Beatty filed Memorandum of Voting Conflict Form 8B (F.S. 112.3143) with Zoning Technician for item #3, ABN/PDD-2021-01322 Mountain Business Center MUPD, and item #7, Z-2021-02124 Las Farms Landscape, prior to vote.

K. Amendments to the Agenda

Motion to move item #10 to the Consent Agenda approved by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Moved	Second				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Motion to adopt Agenda, as amended, approved by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Moved	Second				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- ZV/ABN/CA-2021-00797** Title: a Type 2 Variance application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to allow the increase in an easement overlap from 5 feet to 10 feet on a 20-foot right-of-way buffer

Title: a Development Order Abandonment application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to abandon a Type 2 Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and, increase the setback from the build-to-line

Title: a Class A Conditional Use application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to allow a Car Wash

General Location: Northeast corner of South Military Trail and Vermont Avenue (**Palm Elite Car Wash**) (Control 2013-00200)

Pages 1 - 1

Project Manager: James Borsos

Size: 0.93 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to Thursday, May 5, 2022.

MOTION: No motion required.

- ZV-2021-01937** Title: a Type 2 Variance application of Richard Critchfield by Dunay Miskel and Backman LLP, Agent. Request: to reduce the side and rear setbacks for Buildings B and C and the outdoor storage area

General Location: Approximately 0.12 mile north of Happy Hollow Road and approximately

0.1 mile west of Lyons Road (**Critchfield Holdings**) (Control 2004-00206)

Pages 1 - 23

Conditions of Approval Pages (5 - 5)

Project Manager: Donna Adelsperger

Size: 4.90 acres ±

BCC District: 5

Staff Recommendation: Staff recommends a postponement to Thursday, May 5, 2022.

MOTION: No motion required.

B. REMANDS

C. WITHDRAWALS

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

- 3. **ABN/PDD-2021-01322** Title: a Development Order Abandonment application of Butters SA, LLC. - Malcolm Butters, Southeast Investments of Palm Beach County, Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to abandon a Conditional Overlay Zone (COZ) granted pursuant to Resolution R-2020-0056 Title: an Official Zoning Map Amendment application of Butters SA, LLC. - Malcolm Butters, Southeast Investments of Palm Beach County, Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
General Location: Southeast corner of Atlantic Avenue and US 441/SR 7 (**Mountain Business Center MUPD**) (Control 2003-00830)
 Pages 1 - 22
 Conditions of Approval Pages (6 - 8)
 Project Manager: Donna Adelsperger
 Size: 14.22 acres ± BCC District: 5
Staff Recommendation: Staff recommends approval of an Official Zoning Map Amendment subject to the Conditions of Approval in Exhibit C.

Motion carried by a vote of 8-0-1

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Recused	Yes	Yes	Yes

Board Decision: Recommended Approval of a Zoning Map Amendment by a vote of 8-0-1.

- 7. **Z-2021-02124** Title: an Official Zoning Map Amendment application of Las Farms Of The Palm Beaches LC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District
General Location: West of State Road 7, approximately 0.5 miles north of Boynton Beach Blvd (**Las Farms Landscape**) (Control 1995-50007)
 Pages 1 - 9
 Conditions of Approval Pages (5 - 5)
 Project Manager: Jordan Jafar
 Size: 6.95 acres ± BCC District: 5
Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 8-0-1

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
Moved			Second					
Yes	Yes	Yes	Yes	Yes	Recused	Yes	Yes	Yes

Board Decision: Recommended Approval of a Zoning Map Amendment by a vote of 8-0-1.

4. **DOA/CA-2021-01577** Title: a Development Order Amendment application of Central Baptist Church of WPB FL, Inc. by Land Research Management Inc., Agent. Request: to modify the Site Plan and Conditions of Approval, and to delete square footage
Title: a Class A Conditional Use application of Central Baptist Church of WPB FL, Inc. by Land Research Management Inc., Agent. Request: to allow an Elementary or Secondary School (Private)
General Location: South side of Gun Club Road, approximately 600 feet east of Military Trail **(Central Baptist Church)** (Control 2004-00325)
 Pages 1 - 18
 Conditions of Approval Pages (6 - 9)
 Project Manager: James Borsos
 Size: 4.43 acres ± BCC District: 3

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

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan and Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 8-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow an Elementary or Secondary School, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

5. **DOA-2021-01031** Title: a Development Order Amendment application of Chabad Lubavitch of Boynton, Inc. by Land Research Management Inc., Agent. Request: to modify the site plan, uses, and Conditions of Approval (Place of Worship)
Title: a Development Order Amendment application of Chabad Lubavitch of Boynton, Inc. by Land Research Management Inc., Agent. Request: to modify the site plan, uses, and Conditions of Approval (Day Care)
General Location: West side of El Clair Ranch Road, approximately 0.3 miles north of Woolbright Road **(Chabad Lubavitch Temple)** (Control 1997-00068)

Pages 1 - 22
 Conditions of Approval Pages (5 - 12)
 Project Manager: James Borsos
 Size: 2.37 acres ± BCC District: 5

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

MOTION: To recommend approval of a Development Order Amendment to modify the site plan, uses, and Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				

Yes								
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Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To recommend approval of a Development Order Amendment to modify the site plan, uses, and Conditions of Approval (Day Care) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

6. **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 application 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)
 Pages 1 - 29
 Conditions of Approval Pages (6 - 18)
 Project Manager: Imene Haddad
 Size: 4.94 acres ± BCC District: 5

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

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan and Regulating plan, add square footage, add uses; and, delete a Condition of Approval subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To recommend approval of 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.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

8. **SV/DOA-2021-00921** Title: a Subdivision Variance application of Duke Realty LP - Richard Swindasz, Duke Realty Land LLC by Schmidt Nichols, Agent. Request: to allow access from a road with a higher classification (Benoist Farms Road) rather than from the lower classification (Stinson Way)
Title: a Development Order Amendment application of Duke Realty LP - Richard Swindasz, Duke Realty Land LLC by Schmidt Nichols, Agent. Request: to add land area and square footage and to modify the site plan and Conditions of Approval
General Location: West side of Benoist Farms Road, approximately 0.12 miles south of Belvedere Road (**Palm Beach Logistics Center**) (Control 1988-00019)

Pages 1 - 49

Conditions of Approval Pages (9 - 13)

Project Manager: Timothy Haynes

Size: 23.99 acres ±

BCC District: 2

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 Type 2 Subdivision Variance to allow access from a road with a higher classification (Benoist Farms Road) rather than from the lower classification (Stinson Way) subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 9-0-0.

MOTION: To recommend approval of a Development Order Amendment to modify site plan; to add land area; modify the use; and, modify Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

- SV/PDD/CA-2021-00460** Title: a Subdivision Variance application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. Request: to allow access from an individual lot to be permitted directly to a major street (Lyons Road)

Title: an Official Zoning Map Amendment application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

Title: a Class A Conditional Use application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico by WGINC, Agent. Request: to allow a Congregate Living Facility (CLF)

General Location: East side of Lyons Road, approximately 0.76 miles north of Linton Boulevard (**All Seasons Delray Beach**) (Control 2012-00424)

Pages 1 - 81

Conditions of Approval Pages (10 - 15)

Project Manager: Timothy Haynes

Size: 14.73 acres ±

BCC District: 5

(affected area 9.73 acres ±)

Staff Recommendation: Staff is recommending 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 Type 2 Subdivision Variance to allow access from individual lot to be permitted directly to a major street (Lyons Road).

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 9-0-0.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserved (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

Board Decision: Recommended Denial of a Development Order Amendment, without prejudice, by a vote of 9-0-0.

MOTION: To recommend denial of a Development Order Amendment to modify uses, without prejudice.

Motion carried by a vote of 9-0-0

Kern	Burke	Kelley	Caliendo	Scarborough	Beatty	Brumfield	Pavlik	Sowards
			Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Denial of a Development Order Amendment, without prejudice, by a vote of 9-0-0.

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONERS

ADJOURNMENT 12:00 PM

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MARK STEVEN BEATTY, hereby disclose that on APRIL 07, 20 22 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MY FIRM, ARCHITECTURE GREEN LLC. RETAINED JMORTON PLANNING AND LANDSCAPE ARCHITECTURE TO PROVIDE LANDSCAPE ARCHITECTURE SERVICES FOR CANYON DISTRICT PARK.

ZONING COMMISSION PUBLIC HEARING
APRIL 07 2022
AGENDA ITEM #3 ABN/PDD-2021-01322
AGENDA ITEM #7 Z-2021-02124

04/07/2022
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MARK STEVEN BEATTY, hereby disclose that on APRIL 07, 20 22 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MY FIRM, ARCHITECTURE GREEN LLC. RETAINED JMORTON PLANNING AND LANDSCAPE ARCHITECTURE TO PROVIDE LANDSCAPE ARCHITECTURE SERVICES FOR CANYON DISTRICT PARK.

ZONING COMMISSION PUBLIC HEARING
APRIL 07 2022
AGENDA ITEM #3 ABN/PDD-2021-01322
AGENDA ITEM #7 Z-2021-02124

04/07/2022
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Matthew H. Scott

Christina Bilenki
Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

Via Electronic Mail

April 25, 2022

Lisa Amara, Zoning Director
Palm Beach County
Planning, Zoning and Building Department
2300 North Jog Road
West Palm Beach, FL 33411

**Re: Request for Postponement and Extension to Receive Approval
Critchfield Holdings (Control No. 2004-00206, Application No. ZV-2021-0193795) ("Variance")**

Dear Lisa:

Please accept this letter as a request postponement of the Variance application from the May 5, 2022 Zoning Commission meeting to the June 2, 2022 Zoning Commission meeting. At this time, Applicant is working to reconfigure the proposed site plan to reduce the Variance request and ensure staff support for the requested Variance.

The Variance application currently has a decision deadline of May 30, 2022. Additional time is needed for the Variance approval to allow for modification to the site plan to reduce the number of variances requested. As such, we respectfully request a thirty (30) day extension for approval from May 30, 2022 to June 29, 2022.

Please do not hesitate to contact me at (786) 763-0565 should you have any questions or need additional information to approve this time extension. Thank you.

Sincerely,

Beth Schrantz, Director of Planning Services
Dunay, Miskel and Backman, LLP

cc: Wendy Hernandez, Deputy Zoning Director
Donna Adelsperger, Site Planner II
Ele Zachariades, Esq.

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**ORDER OF BUSINESS
ZONING COMMISSION
PALM BEACH COUNTY, FLORIDA**

THURSDAY MAY 5, 2022

9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N Jog Rd, West Palm Beach, 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. Adoption of the Minutes
- H. Amendments to the Agenda
- I. Motion to adopt the Agenda
- J. Disclosures

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

MAY 5, 2022

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 Rd, West Palm Beach, 33411, 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 in the 6th Floor, Jane Thompson Memorial Chambers, 301 N Olive Ave, West Palm Beach, 33401, at 9:30 A.M. on Thursday, May 26, 2022 to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional Uses, Requested 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 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 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. Adoption of the Minutes
- G. Swearing In - County Attorney
- H. Amendments to the Agenda
- I. Motion to adopt the Agenda
- J. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 1. [ZV-2021-01937](#) Title: a Type 2 Variance application of Richard Critchfield by Dunay Miskel and Backman LLP, Agent. Request: to reduce setbacks for the outdoor storage area
Title: a Type 2 Variance application of Richard Critchfield by Dunay Miskel and Backman LLP, Agent. Request: to reduce the side and rear setbacks for Buildings B and C
General Location: Approximately 0.12 mile north of Happy Hollow Road and approximately 0.1 mile west of Lyons Road (**Critchfield Holdings**) (Control 2004-00206)

Pages 1 - 2

Project Manager: Donna Adelsperger

Size: 4.90 acres ±

BCC District: 5

Staff Recommendation: Staff recommends postponement to June 2, 2022.

MOTION: No motion required.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

2. [**CA-2020-02103**](#) Title: a Class A Conditional Use application of Evergreen 1 LLC. by Brahm Development LLC, Agent. Request: to allow over 24 Multifamily units in the Multifamily Residential (RM) Zoning District
Title: a Class A Conditional Use application of Evergreen 1 LLC. by Brahm Development LLC, Agent. Request: to allow Workforce Housing Program Density Bonus greater than 50 percent
General Location: West side of Old Military Trail, approximately 600 feet north of Orlando Avenue (**Evergreen Townhouse**) (Control 2019-00177)

Pages 1 - 25

Conditions of Approval Pages (8 - 11)

Project Manager: Brenya Martinez

Size: 4.52 acres ±

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.

MOTION: To recommend approval of a Class A Conditional Use Request to allow over 24 Multifamily units in the Multifamily Residential (RM) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use Request to allow Workforce Housing Program Density Bonus greater than 50 percent in a Standard Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-2.

3. [**Z-2021-02038**](#) Title: an Official Zoning Map Amendment application of Neil Hannon by AJ Entitlements & Plannings LLC, Agent. Request: to allow a rezoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District
General Location: West side of S Elizabeth Ave., approximately 0.67 miles south of Northlake Boulevard and 0.39 miles west of N Military Trail (**Elizabeth Street at Square Lake**) (Control 1973-00079)

Pages 1 - 16

Conditions of Approval Pages (4 - 4)

Project Manager: Jerome Ottey

Size: 2.37 acres ±

BCC District: 1

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

MOTION: To recommend a Resolution approving an Official Zoning Map Amendment from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District subject to the Condition of Approval as indicated in Exhibit C.

4. [ZV/ABN/DOA-2021-01954](#) Title: a Type 2 Variance application of Principal Commercial Group LLC, Principal Development Group LLC by AJP Consulting Services LLC, WGINC, Agent. Request: to reduce the width of divider medians and relocate foundation planting
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
Title: a Development Order Amendment application 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; delete and modify uses
General Location: Approximately .06 mile northwest of Atlantic Avenue and Hagen Ranch Road (**Terra Nova MUPD**) (Control 2004-00457)

Pages 1 - 44

Conditions of Approval Pages (9 - 17)

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-1 through C-3.

MOTION: To adopt a resolution approving a Type 2 Zoning Variance to reduce the width of divider medians and relocate foundation planting subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: No motion required.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan; add square footage; delete and modify uses subject to the Conditions of Approval as indicated in Exhibits C-2 and C-3.

5. [ZV/ABN/DOA-2021-00997](#) Title: a Type 2 Variance application of Broward Motorsports of Palm Beach, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to increase the Build to Line setback
Title: a Development Order Abandonment application of Broward Motorsports of Palm Beach, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a partial abandonment of a Special Exception for Repair Facility
Title: a Development Order Amendment application of Broward Motorsports of Palm Beach, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to modify the Site Plan, add building square footage, and modify the Conditions of Approval
General Location: Southwest corner of Okeechobee Boulevard and North Congress Avenue (**Broward Motorsports of Palm Beach**) (Control 1987-00006)

Pages 1 - 36

Conditions of Approval Pages (8 - 15)

Project Manager: James Borsos

Size: 3.87 acres ±

BCC District: 7

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

MOTION: To adopt a resolution approving a Type 2 Variance to increase the Build to Line setback subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: No motion required.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan, add building square footage, and modify the Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

6. [ZV/ABN/DOA-2021-02048](#) Title: a Type 2 Variance application of VC6 Acquisition LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to eliminate a Type 1 Compatibility Buffer
Title: a Development Order Abandonment application of VC6 Acquisition LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to abandon a Type 3 Congregate Living Facility
Title: a Development Order Amendment application of VC6 Acquisition LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to amend the Master Plan and modify uses
General Location: Located at the terminus of Vista Parkway, approximately .63 mile northeast of Okeechobee Boulevard and N. Jog Road. (**Vista Center Parcel 6**) (Control 1984-00130)

Pages 1 - 48

Conditions of Approval Pages (9 - 20)

Project Manager: Imene Haddad

Size: 493.73 acres ±

BCC District:

(affected area 22.10 acres ±)

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 Type 2 Variance to eliminate a Type 1 Compatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: No motion required.

MOTION: To recommend approval of a Development Order Amendment to amend the Master Plan and modify uses subject to the Conditions of Approval as indicated in Exhibit C-2.

E. CORRECTIVE RESOLUTIONS

7. [CRZ-2022-00612](#) Title: a Corrective Resolution - ZC application of JJ Gilbane, LLC, FLM Jupiter Gardens, LLC by Shutts and Bowen LLP, Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to correct Conditions of Approval contained in Resolution ZR-2022-004
General Location: South side of Jupiter Gardens Boulevard, approximately 320 feet west of Central Boulevard (**Jupiter Gardens Apartments**) (Control 2021-00092)

Pages 1 - 1

Conditions of Approval Pages (1 - 1)

Project Manager: James Borsos

Size: 4.65 acres ±

BCC District: 1

Staff Recommendation: To recommend approval of a Resolution to correct Conditions of Approval in ZR-2022-004.

MOTION: To adopt a Resolution to correct Conditions of Approval contained in Resolution ZR-2022-004.

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

8. [ZV-2020-02120](#) Title: a Type 2 Variance application of West Atlantic Commercial Properties, LTD by WGINC, Agent. Request: to allow for the reduction in minimum lot size.

General Location: North side of West Atlantic Avenue, approximately 0.25 miles west of South Military Trail. (**Delray Self Service Storage**) (Control 1994-00053)

Pages 1 - 13

Conditions of Approval Pages (4 - 4)

Project Manager: Imene Haddad

Size: 4.53 acres ±

BCC District: 5

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 a Type 2 Variance to allow for the reduction in minimum lot size subject to the Conditions of Approval as indicated in Exhibit C.

9. [ABN/CA-2021-00797](#) Title: a Development Order Abandonment application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to abandon a Type 2 Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and, increase the setback from the build-to-line

Title: a Class A Conditional Use application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to allow a Car Wash

General Location: Northeast corner of South Military Trail and Vermont Avenue (**Palm Elite Car Wash**) (Control 2013-00200)

Pages 1 - 20

Conditions of Approval Pages (6 - 7)

Project Manager: James Borsos

Size: 0.93 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the request, without prejudice, for failure to meet Art. 2.B.7.B.2. Conditional Use/Development Order Amendment Standards c. Compatibility with Surrounding Uses and d. Design Minimizes Adverse Impacts.

Should the Zoning Commission move to recommend approval of the request, Staff recommends Conditions of Approval as indicated in Exhibit C.

MOTION: No motion required.

MOTION: To recommend denial of a Class A Conditional Use to allow a Car Wash, without prejudice, for failure to meet Art. 2.B.7.B.2. Conditional Use/Development Order Amendment Standards c. Compatibility with Surrounding Uses and d. Design Minimizes Adverse Impacts.

D. ZONING APPLICATIONS - NEW

- 10. [PDD/DOA/CA-2021-01612](#) Title: an Official Zoning Map Amendment application of Nicholas Smith, PGA Partners 100 LLC, Cameron Ferris, Michael Ferris, Betty Ferris, PGA Waterway Condos LLC - Dan Catalfumo by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a rezoning from a Multifamily Residential (RM) Zoning District to the Planned Unit Development (PUD) Zoning District
Title: a Development Order Amendment application of Nicholas Smith, PGA Partners 100 LLC, Cameron Ferris, Michael Ferris, Betty Ferris, PGA Waterway Condos LLC - Dan Catalfumo by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to modify the Site Plan; add land area, units, and uses; and, modify Conditions of Approval
Title: a Class A Conditional Use application of Nicholas Smith, PGA Partners 100 LLC, Cameron Ferris, Michael Ferris, Betty Ferris, PGA Waterway Condos LLC - Dan Catalfumo by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Marina
General Location: Southwest corner of PGA Boulevard and Ellison Wilson Road (**PGA Waterfront Residential PUD**) (Control 1984-00159)

Pages 1 - 60

Conditions of Approval Pages (9 - 16)

Project Manager: Timothy Haynes

Size: 10.97 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 through Exhibit C-3.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from a Multifamily Residential (RM) Zoning District to the Planned Unit Development (PUD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan; add land area, units and uses; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional Use to allow a Marina, subject to the Conditions of Approval as indicated in Exhibit C-3.

11. [SV/ZV/ABN/PDD/CA-2021-00533](#) Title: a Subdivision Variance application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. Request: To allow an increase Projected Daily Trips for a 60-foot Right-of-Way (Elmhurst Road)
Title: a Type 2 Variance application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. Request: to allow for a 12-foot overlap of an easement into a 20-foot Right of Way Landscape Buffer
Title: a Development Order Abandonment application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. Request: to abandon a Special Exception to allow a Fraternal Organization and Club Facilities; and, a Special Exception for a Governmental Service and Accessory Buildings and structures, including Recreation and Club facilities
Title: an Official Zoning Map Amendment application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. Request: to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
Title: a Class A Conditional Use application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. Request: to allow a Transfer of Development Rights (TDR)
Title: a Class A Conditional Use application of Town of Palm Beach, CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales by Schmidt Nichols, Agent. Request: to allow Workforce Housing Program (WHP) Density Bonus greater than 50 percent
General Location: South side of Okeechobee Boulevard, approximately 0.38 miles west of Haverhill Road (**Fount MUPD**) (Control 1979-00268)

Pages 1 - 120

Conditions of Approval Pages (14 - 21)

Project Manager: Imene Haddad

Size: 27.66 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-5.

MOTION: To adopt a resolution approving a Subdivision Variance to allow an increase Projected Daily Trips for a 60-foot Right-of-Way (Elmhurst Road) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Type 2 Variance to allow a reduction in the number of parking spaces; the width of the Right-of-Way buffer, and to allow a 15-foot overlap of an easement into a 20-foot R-O-W landscape buffer, subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: No motion required.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-3.

MOTION: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights (TDR) subject to the Conditions of Approval as indicated in Exhibit C-4.

MOTION: To recommend approval of a Class A Conditional Use to allow Workforce Housing Program (WHP) Density Bonus greater than 50 percent subject to the Conditions of Approval as indicated in Exhibit C-5.

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

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

ADJOURNMENT