#### **Board of County Commissioners**

#### **County Administrator**

Verdenia Baker



Department of Planning, Zoning & Building

2300 N. Jog Road West Palm Beach, FL 33411 Phone: 561-233-5200

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# THURSDAY NOVEMBER 3, 2022 Minutes

#### **CALL TO ORDER**

#### A. Roll Call - 9:00 A.M.

Commissioner Marcelle Griffith-Burke, Chair Present Commissioner John Kern, Vice Chair Present Commissioner Cheri Pavlik Present Commissioner Michael Kelley Present Commissioner Sam Caliendo Present Commissioner Sheri Scarborough Present Commissioner Alex Brumfield Absent 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

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

- F. Swearing In
- G. Adoption of the Minutes

Motion to approve the Minutes by a vote of 8-0-0

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

### H. Amendments to the Agenda

Wendy Hernández, Deputy Director, read into the record for item #7 staff received a request to withdraw three of four of the variances (variances #1, #2 and #4) have been withdrawn at the request of the applicant they have an attached letter no motion is necessary. In addition, Wendy Hernández requested items #2 be pulled from consent; and items #5 and #6 to be moved from the regular agenda to the consent agenda.

Commissioner Scarborough made the motion which was seconded by Commissioner Kern and the motion passed 8-0-0.

# I. Motion to adopt the Agenda

Motion to adopt the Agenda as amended with a vote of 8-0-0

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

# J. Disclosures

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
N/A	N/A	N/A	N/A	N/A	8	Absent	N/A	N/A

# K. Conflicts/Recusals

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
N/A	N/A	N/A	N/A	N/A	8	Absent	N/A	N/A

# 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. STATUS REPORTS**

#### C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

## D. ZONING APPLICATIONS - NEW

 ABN/DOA/CA-2022-00187 <u>Title:</u> a Development Order Abandonment application of Journey Church Lake Worth, Inc. by Cotleur & Hearing Inc., Agent. <u>Request:</u> to abandon a Special Exception for an Educational Institution on 13.58 acres approved by R-1990-0058

<u>Title:</u> a Development Order Amendment application of Journey Church Lake Worth, Inc. by Cotleur & Hearing Inc., Agent. <u>Request:</u> to modify and delete Conditions of Approval; to reconfigure the Site Plan; and to add, delete, and modify uses on 13.58 acres <u>Title:</u> a Class A Conditional Use application of Journey Church Lake Worth, Inc. by Cotleur & Hearing Inc., Agent. <u>Request:</u> to allow a General Daycare on 13.58 acres

<u>General Location:</u> West side of Military Trail, approximately 0.17 miles south of Lantana Road (Journey Church) (Control 1973-00216)

Project Manager: Jordan Jafar

Size: 13.58 acres ± BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

**MOTION**: No motion required. (Abandonment)

#### No motion required

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

Motion carried by a vote of 8-0-0

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

<u>Board Decision: Recommend Approval of a Development Order Amendment, with Conditions by a vote of 8-0-0.</u>

**MOTION**: To recommend approval of a Class A Conditional Use to allow a General Daycare, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Class A Conditional Use, with Conditions by a vote of 8-0-0.

ABN/DOA-2022-00507 Title:a Development Order Abandonment application of MG 2. Miskel <u>Dunay</u> WPB LLC by and Backman LLP, Request: to abandon Type 1 Restaurant and a Hotel on 44.14 acres Title:a Development Order Amendment application of MG WPB LLC by Dunay Miskel and Backman LLP, Agent. Request: reconfigure to add square footage, modify/delete Conditions of Approval, and modify plan. phasing on 44.18 acres

<u>General Location:</u> Southwest corner of Okeechobee Boulevard and the Florida Turnpike (Arrigo MUPD) (Control 1995-00022)

Project Manager: Jerome Ottey

Size: 44.18 acres <u>+</u> BCC District: 2

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

**MOTION**: No motion required (Abandonment).

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, modify/delete conditions of approval, and modify phasing subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Development Order Amendment, as amended with Conditions by a vote of 8-0-0.

3. **Z/CA-2022-00828** Title: an Official Zoning Map Amendment application of Jackrbt Farms Inc, Pulte Home Company, LLC by Urban Design Studio, Agent. Request: to allow a rezoning from the Residential Estate (RE) Zoning District to the Single Family Residential (RS) Zoning District on 43.64 acres

<u>Title:</u> a Class A Conditional Use application of Jackrbt Farms Inc, Pulte Home Company, LLC by Urban Design Studio, Agent. <u>Request:</u> to allow Zero Lot Line (ZLL) dwelling units on 43.64 acres

<u>General Location:</u> West side of Lyons Road approximately 1/4 mile south of intersection with Hypoluxo Road (JackRBT Property) (Control 1976-00058)

Project Manager: Cody Sisk

Size: 43.64 acres <u>+</u> BCC District: 6

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

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Estate (RE) Zoning District to the Single Family Residential (RS) Zoning District subject to the Condition of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of an Official Zoning Amendment, by a vote of 8-0-0.

**MOTION**: To recommend approval of a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Class A Conditional Use, with Conditions by a vote of 8-0-0.

4. <u>ABN/Z-2022-00681 Title:</u> a Development Order Abandonment application of TollBrothers, Inc., 7 T'S Enterprises Inc, Westside Farms Inc by Urban Design Studio, Agent. <u>Request:</u> to abandon a Type 1 Restaurant, four Type 2 Restaurants, and a Congregate Living Facility Type 3 on 37.40 acres

<u>Title:</u> an Official Zoning Map Amendment application of Toll Brothers, Inc., 7 T'S Enterprises Inc, Westside Farms Inc by Urban Design Studio, Agent. <u>Request:</u> to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Single Family Residential (RS) Zoning District on 37.40 acres

General Location: Northeast corner of Clint Moore Road and State Road 7/US 441 (Thomas Property) (Control 2007-00288)

Project Manager: Jordan Jafar

Size: 37.40 acres <u>+</u> BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the request for an Official Zoning Map Amendment, with a Conditional Overlay Zone (COZ), subject to the Conditions of Approval as indicate in Exhibit C.

**MOTION**: No motion required. (Abandonment)

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Single Family Residential (RS) Zoning District, with a Conditional Overlay Zone (COZ), subject to the Condition of Approval as indicated in Exhibit C.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of an Official Zoning Amendment, by a vote of 8-0-0.

## **E. CORRECTIVE RESOLUTIONS**

## F. ABANDONMENTS

# **END OF CONSENT AGENDA**

#### **REGULAR AGENDA**

## A. ITEMS PULLED FROM CONSENT

#### **B. STATUS REPORTS**

# C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. PDD/DOA-2021-01373 Title: an Official Zoning Map Amendment application of JDR Development, LLC - Jason Sher, Paradise Properties Of Delray LLC, Atlantic USA Development LLC, Pebb Atlantic II LLC & by WGINC, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District on 10.20 acres
Title: a Development Order Amendment application of JDR Development, LLC - Jason Sher, Paradise Properties Of Delray LLC. Atlantic USA Development LLC, Pebb Atlantic II.

Sher, Paradise Properties Of Delray LLC, Atlantic USA Development LLC, Pebb Atlantic II LLC & by WGINC, Agent. Request: to modify the Master Plan to delete land area (9.89 acres) and to add land area (10.20 acres) for a final DO total of 743.33 acres

<u>Title:</u> a Development Order Amendment application of JDR Development, LLC - Jason Sher, Paradise Properties Of Delray LLC, Atlantic USA Development LLC, Pebb Atlantic II LLC & by WGINC, Agent. <u>Request:</u> Partial Release of Preserve Conservation Easement recorded in OR 29063, Page 88

<u>General Location:</u> East side of State Road 7, approximately 700 feet south of W Atlantic Avenue (Sussman AGR-PUD) (Control 2000-00032)

Project Manager: Imene Haddad Size: 743.33 acres <u>+</u> (affected area 10.20 acres <u>+</u>)

BCC District: 5

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

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

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of an Official Zoning Map Amendment, by a vote of 8-0-0.

**MOTION**: To recommend approval of a Development Order Amendment to modify the Master Plan to delete land area (9.89 acres) and to add land area (10.20 acres) for a final DO total of 743.33 acres subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Development Order Amendment, with Conditions by a vote of 8-0-0.

6. <a href="PDD/CA/W-2021-01361">PDD/CA/W-2021-01361</a> Title: an Official Zoning Map Amendment application of Pebb Atlantic II LLC & SOCRO LLC, JDR Development, LLC - Jason Sher by WGINC, Agent. <a href="Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 9.89 acres

<u>Title:</u> a Class A Conditional Use application of Pebb Atlantic II LLC & SOCRO LLC, JDR Development, LLC - Jason Sher by WGINC, Agent. <u>Request:</u> to allow a Multi-Access and Limited Access Self-Service Storage Facility on 9.89 acres

<u>Title:</u> a Class A Conditional Use application of Pebb Atlantic II LLC & SOCRO LLC, JDR Development, LLC - Jason Sher by WGINC, Agent. <u>Request:</u> to allow a Car Wash on 9.89 acres

<u>Title:</u> a Type 2 Waiver application of Pebb Atlantic II LLC & SOCRO LLC, JDR Development, LLC - Jason Sher by WGINC, Agent. <u>Request:</u> to allow an alternative Type 3 Incompatibility Buffer on 9.89 acres

<u>General Location:</u> South side of Atlantic Avenue, approximately 783 feet east of Lyons Road (Atlantic AGR Commercial and Self Storage) (Control 2021-00083)

Project Manager: Timothy Haynes

Size: 9.89 acres <u>+</u> BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 through C-4.

**MOTION**: To recommend approval an Official Zoning Map amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) 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 8-0-0

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

Board Decision: Recommend Approval of an Official Zoning Map Amendment, by a vote of 8-0-0.

**MOTION**: To recommend approval of a Class A Conditional Use to allow a Multi-Access and Limited Access Self-Service Storage Facility, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Class A Conditional Use, with Conditions by a vote of 8-0-0.

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

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Class A Conditional Use, with Conditions by a vote of 8-0-0.

**MOTION**: To recommend approval of a Type 2 Waiver to allow an alternative Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Type 2 Waiver, by a vote of 8-0-0.

#### D. ZONING APPLICATIONS - NEW

7. **ZV/DOA-2021-02186** Title: a Type 2 Variance application of KHAL Chassidim of WPB LLC by WGINC, Agent. Request: to reduce the number of parking spaces and the side and rear setbacks; and, to eliminate a Compatibility Buffer on 2.38 acres

<u>Title:</u> a Development Order Amendment application of KHAL Chassidim of WPB LLC by WGINC, Agent. <u>Request:</u> to reconfigure the site plan, modify uses, and modify the Conditions of Approval on a 2.38 acres

<u>General Location:</u> Northwest corner East Drive and Century Boulevard (Century Village Resident Service Center) (Control 1993-00040)

Project Manager: Donna Adelsperger

Size: 2.38 acres + BCC District: 2

<u>Staff Recommendation:</u> 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 reduce the side setback, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 8-0-0

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

Board Decision: To adopt a resolution approving a Type 2 Variance, as amended with Conditions by vote of 8-0-0.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the site plan and modify the Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-0-0

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

Board Decision: Recommend Approval of a Development Order Amendment, as amended with Conditions by a vote of 8-0-0.

8. <u>Z/CA-2021-02123</u> <u>Title:</u> an Official Zoning Map Amendment application of Medjool Nurseries LLC by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District on 9.24 acres

<u>Title:</u> a Class A Conditional Use application of Medjool Nurseries LLC by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to allow Townhouse (TH) dwelling units on 9.24 acres

<u>General Location:</u> South side of Hypoluxo Road approximately 0.83 miles east of Jog Road **(Towns at Tidewater)** (Control 2014-00014)

Project Manager: Donna Adelsperger

Size: 9.24 acres <u>+</u> BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the Official Zoning Map Amendment subject to the Condition of Approval as indicated in Exhibit C-1; and

Staff recommends denial of the Class A Conditional Use to allow Townhomes. Should the ZC recommend approval this request it should be subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District subject to the Condition of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 7-0-1

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved			Abstain			
Yes	Yes	Yes	Yes	Yes	N/A	Absent	Yes	Yes

Board Decision: Recommend Approval of an Official Zoning Amendment, by a vote of 7-0-1.

**MOTION**: To recommend denial of a Class A Conditional Use to allow Townhomes.

Motion carried by a vote of 7-0-1

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved			Abstain			
Yes	Yes	Yes	Yes	Yes	N/A	Absent	Yes	Yes

Board Decision: Recommend Denial of a Class A Conditional Use by a vote of 7-0-1.

- 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**