



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

ZONING COMMISSION MEETING
Minutes for Tuesday, July 2, 2024

CALL TO ORDER

A. Roll Call (9:00AM)

Commissioner Cheri Pavlik (Chair)	Absent
Commissioner John Kern (V.Chair)	Present
Commissioner Michael Kelley	Absent
Commissioner Sam Caliendo	Present
Commissioner Lori Vinikoor	Present
Commissioner William (Bill) Reicherter	Present
Commissioner Alex Brumfield III	Absent
Commissioner Susan Kennedy	Present
Commissioner James Williams	Present

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

Motion to receive and file approved by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
		Second						Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

- F. Swearing In
- G. **Approval of the Minutes**

Motion to approve the Minutes by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
		Motion						Second
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

H. **Amendments to the Agenda**

Wendy Hernández, Deputy Zoning Director, read into the record the Amendments to the Agenda from the Add and Delete,

Motion to adapt the Agenda as Amended by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Motion								Second
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

I. Disclosures for All Items on Agenda

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
6	6	6	6,4	Absent	6	Absent	Absent	6

J. Conflicts/Recusals

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
N/A	N/A	N/A	N/A	Absent	N/A	Absent	Absent	N/A

K. Approve the Consent Agenda as Amendment

Motion to adapt the Consent Agenda as Amended by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

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. [Z-2024-00162 NorWest Pointe \(2023-00047\)](#)

Zoning Application of One Mile Properties LLC, Michael Crabb, Anthony Amante by JMorton Planning & Landscape Architecture

Zoning Application of CH76 Investment LLC by PLACE Planning & Design

Location: Northwest corner of Westgate Avenue and Tallahassee Drive

Project Manager: Jerome Small, Senior Site Planner

BCC District: 7

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

a. Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Commercial Neighborhood (CN) Zoning District on 0.27 acres and Residential High Density (RH) Zoning District on 0.27 acres to the Residential Multifamily (RM) Zoning District on 0.54 acres.

MOTION: To recommend approval of item 1.a

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 1.a., by a vote of 6-0-0

2. [DOA-2023-01761 Adolph & Rose Levis JCC \(1984-00139\)](#)

Zoning Application of Jewish Community Facilities Corporation by WGINC

Location: South and east side of Ruth and Baron Coleman Blvd, approx. 600 feet west of 95th Ave. S

Project Manager: Michael Birchland, Site Planner II

BCC District: 5

a. Title: a Development Order Amendment **Request:** to modify the overall Master Plan and to modify Conditions of Approval on 115.77 acres

MOTION: To recommend approval of item 2.a

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 2.a., by a vote of 6-0-0

b. Title: a Development Order Amendment **Request:** to reconfigure the Site Plan to add and delete uses and to modify Conditions of Approval on 40.22 acres

MOTION: To recommend approval of item 2.b

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 2.b., by a vote of 6-0-0

3. [DOA-2023-00520 Windsor Place MXPD \(2003-00079\)](#)

Zoning Application of Hatzlacha-WP Holdings, LLC by WGINC

AJP Consulting Services LLC

Location: Northwest corner of Hypoluxo Road and Lyons Road

Project Manager: Imene Haddad, Senior Site Planner

BCC District: 6

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

a. Title: a Development Order Amendment **Request:** to modify the overall Master Plan and Site Plan for the Commercial Pod to add a building, reduce square footage, reconfigure the site layout, and modify uses and Conditions of Approval on 40.0 acres.

MOTION: To recommend approval of item 3.a

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 3.a., by a vote of 6-0-0

b. Title: a Development Order Amendment **Request:** to modify the Class A Conditional Use Type I Restaurant with drive-through to reduce square footage, relocate to a single building, and modify Conditions of Approval on 40.0 acres.

MOTION: To recommend approval of item 3.b

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 3.b., by a vote of 6-0-0

4. [ABN/PDD/CA-2023-00832 Spring Haven MUPD \(1973-00033\)](#)

Zoning Application of West Palm Beach Lodge # 1352 by Schmidt Nichols

Location: Southeast corner of Belvedere Road and 62nd Drive North

Project Manager: Joyce Lawrence, Senior Site Planner

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibits C1 and C2.

a. Title: a Development Order Abandonment **Request:** to abandon a Special Exception for a Fraternal Organization approved by Resolution R-73-401 on 11.64 acres

MOTION: To recommend approval of item 4.a

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 4.a., by a vote of 6-0-0

b. Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 11.64 acres

MOTION: To recommend approval of item 4.b

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 4.b., by a vote of 6-0-0

c. Title: a Class A Conditional Use **Request:** to allow a combined density increase through the Workforce Housing Program (WHP) and Transfer of Development Rights (TDR) in excess of 2 units per acre 71 (an additional 105 WHP and TDR units) 11.64 acres

MOTION: To recommend approval of item 4.c

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

Decision: To recommend approval of item 4.c., by a vote of 6-0-0

- END OF CONSENT AGENDA -

REGULAR AGENDA

A. Items Pulled From Consent

B. ULDC Revisions

5. PPR-2024-0290 Beachfront Properties Waiver – PPR Phase 2

Summary: The item before the Board is a Privately Proposed Revision (PPR) to the Unified Land Development Code (ULDC) as summarized below:

- To establish a Type 2 Waiver process for applicants to request a reduction in front setback and the additional height setback in order to allow for redevelopment of multifamily residential properties abutting the Atlantic Ocean.

Staff Assessment: The proposed PPR would allow Property Owners with existing multifamily uses along the County’s coastline to apply for a Type 2 Waiver for approval by the BCC to request a reduction in setbacks. The Waiver is proposed to be limited to sites proposing the redevelopment of multifamily structures that are currently built over 35 feet in height with existing RM or RH Zoning. The proposed waiver process will allow the Board to consider the unique attributes of each subject site during the development review process, and will accommodate the redevelopment of sites to reflect changes to the Building Code and FEMA regulations and allow for existing structures to be replaced with buildings more resistant to erosion and flooding along the coast. Staff has worked with the Applicant and applicable County Agencies to provide a more targeted and detailed revision in Phase 2. If approved for Permission to Advertise, this item will be presented to the Zoning Commission for a Comprehensive Plan consistency recommendation, then subsequently be presented for final approval by the BCC.

Staff Recommendation: Zoning staff recommend approval of request, and the Planning Division recommends a finding of consistency with the Comprehensive Plan pursuant to 163.3194, F.S., serving as the Land Development Regulation Commission.

ZC Initiation Recommendation: Recommended to approve Phase 1 and to initiate Phase 2 by a vote of 7-0 on April 4, 2024.

BCC Initiation: On April 25, 2024, the BCC approved initiation of Phase 2 by a vote of 7-0.

BCC Permission to Advertise: On June 20, 2024, the BCC approved Request for Permission to Advertise by a vote of 7-0.

People who spoke on this item:

Wendy Hernandez Zoning Deputy Director: Provided an explanation of the proposed amendment.

George Gentile: representing the applicant- gave a brief presentation:

Jerome Ottey Project Manager; gave a presentation

Comment Cards: 2 people from the public provided card in opposition and spoke

Ed Di Sullivan: Spoke on this application express concerns in regards as to the height of the building and impacts to other buildings

Seth Behn: Spoke on this application express concerns in regards to maximum height allowed if the waiver is allowed. Mr Behh provided graphics

Commissioner Reichester: requested information in regards to code and setback to the ocean.

Lisa Amara: spoke to clarify information in regards to Mr. Behn concerns

Wendy Hernandez Zoning Deputy Director: Clarify how setbacks are taken according to the ULDC.

Lisa Amara Zoning Director: Explained that with the Waiver a Variance would be required, setbacks restrictions, how setbacks are taken and additional restriction on the property

Commissioner Reichester: Spoke and asked information regarding the oceanside set back and building location and Building height cap

Commissioner Caliendo: requested information regarding coastal construction line location and express concerns about the cost repair and the ability of the residents to afford.

Commissioner Kennedy: Had concerns in regards to no having a height limitation and compatibility

Lisa Amara: Explained that compatibility will be review through the waiver process and that the Waiver will be review at the BCC level however the ZC will still to provide recommendations and building location

Commissioner Vinikoor: Indicated that the they will need to maintain the same number of units as of today,

Lisa: Explained that the applicant wont be able to increase the units through the Waiver application and increase in square footage for each apartment however there is not limit in the amount of square footage each owner would like to build,

Brian Seymour Spoke on the application and Provided information in regards the conceptual plans and future plans for the site.

Commissioner Kennedy: Requested clarification about height restriction and setbacks and the Type 2 Waiver process and how many other sites within the county would this apply and express concerns about the change from a Type 2 Variance to a Type 2 Wa

Motion carried by a vote of 5-1-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
		Motion						Second
Yes	Yes	Yes	Yes	Absent	Nay	Absent	Absent	Yes

Decision: To recommend approval of item 5.b., by a vote of 5-1-0

C. Zoning Applications

6. [ABN/PDD/CA-2023-00996 Cypress Creek PUD \(1977-00052\)](#)

Zoning Application of Alex Martin, True Shot LLC - William Marcacci, Shot True by WGINC

Location: East side of S Military Trail, approx. 0.30 miles north of Old Boynton Road

Project Manager: Imene Haddad, Senior Site Planner

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.

People who spoke in this application: 3

Jeff Brophy Applicant: Gave a presentation

Imene Haddad Senior Site Planner: Gave a presentation

Commissioner Caliendo: commented about the homes close to other existing homes can have additional landscape for privacy

Quazi Bari from traffic explain the results of the traffic study and recommendations

Commissioner Vinikor : Requested information regarding traffic-light, workforce housing program, excavation (removing material) and septic system along Old Boynton Road.

Commissioner Kennedy: Requested information about the drainage and how is handle through the site and express concerns about the drainage affecting the neighbor's area, compatibility and pedestrian connection

Commissioner Reicherter: Express concerns in regards to more discussion with the community, problems with the development and de builder not fixing the problem and contamination.

Jeff Schnard Water engineer: Provide an explanation in regards as to how the drainage works.

Lisa Amara Zoning Director: Provide clarification on the application

From the public 34 people spoke on the application, 26 in opposition 8 in favor. Major concerns were compatibility, traffic, contamination and mitigation, Property loss in value, open space, setbacks and privacy and drainage

Cards presented: 64 cards were presented 32 in opposition 32 in support. 32 people from the public spoke on the application the egress and ingress for the project.

a. Title: a Development Order Abandonment **Request:** to abandon Special Exception to allow a Golf Course, Clubhouse and accessory facilities on 130.30 acres

MOTION: To recommend approval of item 6.a

Motion carried by a vote of 4-2-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
		Motion						Second
Nay	Yes	Yes	Yes	Absent	Nay	Absent	Absent	Yes

Decision: To recommend approval of item 6.a., by a vote of 4-2-0

b. Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 122.56 acres

MOTION: To recommend approval of item 6.b

Motion carried by a vote of 4-2-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
		Motion						Second
Nay	Yes	Yes	Yes	Absent	Nay	Absent	Absent	Yes

Decision: To recommend approval of item 6.b., by a vote of 4-2-0

c. Title: a Class A Conditional Use **Request:** to allow Type 2 Excavation with removal of more than ten percent of the extracted material from the site on 122.56 acres

MOTION: To recommend approval of item 6.c

Motion carried by a vote of 4-2-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
		Motion						Second
Nay	Yes	Yes	Yes	Absent	Nay	Absent	Absent	Yes

Decision: To recommend approval of item 6.c., by a vote of 4-2-0

- END OF REGULAR AGENDA -

COMMENTS

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

Motion to Adjourn

Motion carried by a vote of 6-0-0

Reicherter	Kern	Vinikoor	Williams	Pavlik	Kennedy	Brumfield	Kelley	Caliendo
Second								Motion
Yes	Yes	Yes	Yes	Absent	Yes	Absent	Absent	Yes

ADJOURNMENT: 12:13 pm