



**ZONING COMMISSION HEARING**

**Thursday, November 2, 2023**

**9:00 a.m., 1<sup>st</sup> Floor, Vista Center**

**2300 N. Jog Road, West Palm Beach, FL 33411**

**CALL TO ORDER**

**A. Roll Call (9:00AM)**

|  |         |
|--|---------|
| Commissioner Jess Sowards, <b>Chair</b>      | Present |
| Commissioner Cheri Pavlik, <b>Vice Chair</b> | Present |
| Commissioner John Kern                       | Absent  |
| Commissioner Michael Kelley                  | Present |
| Commissioner Glenn Gromann                   | Present |
| Commissioner Sheri Scarborough               | Present |
| Commissioner Lisa Reves                      | Present |
| Commissioner Alex Brumfield                  | Present |
| Commissioner Mark Beatty                     | 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**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        | Motion      |         | Second |        |           |        |         |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**F. Swearing In**

**G. Approval of the Minutes**

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

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        | Motion      |         |        |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | 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 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       | Absent | Motion      |         | Second |        |           |        |         |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

I. Disclosures for All Items on Agenda

| Reves  | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|--------|--------|-------------|---------|--------|--------|-----------|--------|---------|
| Item 8 | Absent | Item 8      | Item 8  | Item 8 | Item 8 | No        | No     | Item 8  |

J. Conflicts/Recusals

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
| N/A   | Absent | N/A         | N/A     | N/A    | 2,3,5  | N/A       | N/A    | N/A     |

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

A. Postponements / Remands

9. [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 denial of the request.

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

2 Comment Cards:

The following person submitted cards in support of Postponement. Kara Romano, Lisa Johnston

**MOTION:** To adopt a resolution **denying** item 9.a without prejudice

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        | Second      |         |        |        |           | Motion |         |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To POSTPONEMENT 12-07-2023., by a vote of 8-0-0**

B. Withdrawals

**- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA CONSENT**

**AGENDA**

A. Requests to pull items from Consent

B. Zoning Applications

1. [CB-2023-00651 Big Dreams Preschool](#) (Control 2001-00039)

**Zoning Application of** Big Dreams Preschool LLC by Land Research Management, Inc. Agent.

**Location:** Southwest corner of Westgate Avenue and Quail Drive

**Project Manager:** Nancy Frontany

**BCC District:** 7

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

a. **Title:** a Class B Conditional Use **Request:** to allow a General Daycare on 1.01 acres

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

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To adopt a resolution approval of item 1.a., by a vote of 8-0-0**

2. [Z/CA-2023-00660 AI Packer Fleet Services](#) (Control 2012-00292)

**Zoning Application of** Packer Family Limited Ptr II by JMorton Planning & Landscape Architecture, Agent

**Location:** East side of Military Trail, approximately 334 feet South of Elmhurst Road.

**Project Manager:** Imene Haddad

**BCC District:** 7

**Staff Recommendation:** Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C1 and C-2.

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Residential Multi-family (RM) Zoning District to the General Commercial (CG) Zoning District on 1.58 acres

**MOTION:** To recommend approval of item 2.a

**Motion carried by a vote of 7-0-1**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty  | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|---------|-----------|--------|---------|
|       |        | Motion      |         |        |         |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Recusal | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 2.a., by a vote of 7-0-1**

- b. **Title:** a Class A Conditional Use **Request:** to allow Heavy Repair and Maintenance on 2.14 acres

**MOTION:** To recommend approval of item 2.b

**Motion carried by a vote of 7-0-1**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty  | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|---------|-----------|--------|---------|
|       |        | Motion      |         |        |         |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Recusal | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 2.b., by a vote of 7-0-1**

4. [DOA-2022-01140 7-Eleven Inc 40459](#) (Control 2002-00032)

**Zoning Application of** 7 Eleven Inc by Gunster, Yoakley & Stewart, PA, Common Oak Engineering, Agent

**Location:** Southeast corner of Jog Road and Wallis Road

**Project Manager:** Jordan Jafar

**BCC District:** 2

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

- c. **Title:** a Development Order Amendment **Request** to reconfigure the Site Plan; add pumps; and, to modify and delete Conditions of Approval on 4.62 acres

**MOTION:** To recommend approval of item 4.a

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 4.a., by a vote of 8-0-0**

5. [ABN/DOA/CA-2023-00668 Elan Palm Reserve MUPD](#) (Control 2001-00005)

**Zoning Application of** Elan Palm Reserve Owner LLC, Elan Palm Reserve Commerical Owner LLC by JMorton Planning & Landscape Architecture, Agent.

**Location:** Northeast corner of Military Trail and Hypoluxo Road

**Project Manager:** Donna Adelsperger

**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.

2 Comment cards:

The following person submitted cards: Ray & Bridgette Marcinkoski,

People spoke in this application:

Ray Marcinkoski: spoke in this application with questions in regards a concrete wall to be build in the development, the proposed uses and traffic impact.

Agent Lauren JP Morton: spoke in this application responded to question concerning the concrete wall and inquire the proposed uses.

Wendy Hernández Zoning Deputy spoke in this application suggesting that the speaker meets with agent regarding issues.

Lisa Amara: spoke on this application indicating that ZC hearing is not the final action and that the final action will be taken at the BCC hearing on November 29, 2023.

**a. Title:** a Development Order Abandonment **Request:** to abandon the Retail Gas and Fuel Sales with Convenience Store on 31.98 acres

**MOTION:** No motion required for item 5.a

**b. Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan; add and delete uses, and modify Conditions of Approval on 31.98 acres

**MOTION:** To recommend approval of item 5.b

**Motion carried by a vote of 7-0-1**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty  | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|---------|-----------|--------|---------|
|       |        | Motion      |         |        |         |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Recusal | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 5.b., by a vote of 7-0-1**

**Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 31.98 acres

**MOTION:** To recommend approval of item 5.c

**Motion carried by a vote of 7-0-1**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty  | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|---------|-----------|--------|---------|
|       |        | Motion      |         |        |         |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Recusal | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 5.c., by a vote of 7-0-1**

6. [Z/W-2022-01517 Cagigas Medical Center](#) (Control 1999-30103)

**Zoning Application of** Cagigas Family Holding Co. LLC by Land Research Management, Inc., Agent.

**Location:** East side of Military Trail, approximately 0.25 miles south of Summit Blvd

**Project Manager:** Jerome Ottey

**BCC District:** 3

**Staff Recommendation:** Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C1 and C-2.

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the General Commercial (CG) Zoning District on 0.86 acres and Residential Multifamily (RM) Zoning District on 1.25 acres to the Urban Infill (UI) Zoning District on 2.11 acres

**MOTION:** To recommend approval of item 6.a

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 6.a., by a vote of 8-0-0**

- b. **Title:** a Type 2 Waiver **Request** to allow the building to be articulated so that the shortest side fronts the street; to allow a 35 percent building frontage along the primary street; and, to eliminate the pedestrian pass-through on 2.11 acres

**MOTION:** To recommend approval of item 6.b

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 6.b., by a vote of 8-0-0**

7. [ZV/SV/PDD/CA-2023-00374 Northlake Commercial](#) (1973-00237)

**Zoning Application of Northlake 3540 by WGINC, Agent**

**Location:** Southwest corner of Northlake Boulevard and Burma Road

**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 C1 through C4.

- a. **Title:** a Type 2 Variance **Request:** to allow a reduction of the lot size and side-street setback on 2.02 acres

**MOTION:** To adopt a resolution approving item 7.a

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To adopt a resolution approval of item 7.a., by a vote of 8-0-0**

- b. **Title:** a Subdivision Variance **Request:** to allow secondary access from a non-plan collector road with 22-foot wide pavement and sidewalk only on one side of the street on 2.02 acres

**MOTION:** To adopt a resolution approving item 7.b

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To adopt a resolution approval of item 7.b., by a vote of 8-0-0**

- c. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning

District on 2.02 acres.

**MOTION:** To recommend approval of item 7.c

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 1.a., by a vote of 8-0-0**

**d. Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 2.02 acres

**MOTION:** To recommend approval of item 7.d

**Motion carried by a vote of 8-0-0**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|--------|-----------|--------|---------|
|       |        |             |         | Motion |        |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Yes    | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 7.d., by a vote of 8-0-0**

**- END OF CONSENT AGENDA -**

**REGULAR AGENDA**

**A. Items Pulled From Consent**

**3. [ZV/DOA/W-2023-00372 Lyons Glades Center](#) (Control 1979-00106)**

**Zoning Application of** Glades Road West Investments LLC, Boca Pier Assoc Ltd by JMorton Planning & Landscape Architecture, Agent

**Location** Northwest corner of Glades Road and Lyons Road

**Project Manager:** Donna Adelsperger

**BCC District:** 5

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

People that spoke on this application:

Agent Alex Ahrenholz of JMorton: spoke in this application Gave a brief Presentation.

Commissioner Scarborough: spoke in this application in regards to clarification of the Variances the requested medical building

Commissioner Glenn: spoke in this application questioned the access road to the west of the property and is relation to the ATT switch

**a. Title:** a Type 2 Variance **Request:** to allow a reduction in the width of a right-of-way buffer, Type 3 Incompatibility buffer, landscape islands, divider medians, and foundation planting; reduction in the building and freestanding sign setback; to allow an easement overlap of landscape islands and right-of-way buffer; and, to eliminate landscape protection measures and trees in landscape islands; and, to eliminate a wall within a Type 3 Incompatibility buffer on 4.86 acres

**MOTION:** To adopt a resolution approving item 3.a.

**Motion carried by a vote of 7-0-1**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty  | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|---------|-----------|--------|---------|
|       |        | Motion      |         |        |         |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Recusal | Yes       | Yes    | Yes     |

**Decision: To adopt a resolution approval of item 3.a., by a vote of 7-0-1**

**b. Title:** a Development Order Amendment **Request:** t reconfigure the site plan; add and

delete uses, and add square footage on 4.86 acres

**MOTION:** To recommend approval of item 3.b

**Motion carried by a vote of 7-0-1**

| Reves | Kern   | Scarborough | Sowards | Pavlik | Beatty  | Brumfield | Kelley | Gromann |
|-------|--------|-------------|---------|--------|---------|-----------|--------|---------|
|       |        | Motion      |         |        |         |           |        | Second  |
| Yes   | Absent | Yes         | Yes     | Yes    | Recusal | Yes       | Yes    | Yes     |

**Decision: To recommend approval of item 3.b., by a vote of 7-0-1**

**B. Zoning Applications**

**8. [ZV-2023-00375 \(Chabad Chai Center\)](#) (Control 2022-00116)**

**Zoning Application of** Alternate Educational Systems Property 4 LLC by Schmidt Nichols, Agent

**Location:** North side of Clint Moore Road, approx. 0.3 miles east of Wagon Wheel Drive

**Project Manager:** Vincent Stark

**BCC District:** 5

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

Comment Cards : 15 oppose, 13, support

The following people submitted cards in opposition that spoke: Norman Opper, Richard Salter, Andrew Mosbera, Ralph De La Vega, Peter Sachs, Jon Channing, Pravin Nanayaldera,

The following people submitted cards in opposition did not speak: Naheed Khan, Deborah Opper, Louis Caplan, Ellen Channing, Jacqueline Gall, Cal Cohen, Ellen Gerlal, Robert Shaouy

The following people submitted cards in Support spoke Nicole Kaplan, Rod Sheldon, Erik Nathanson, Eric Newman, Linda Behmoiras, Zachary Morani, Aaron Gopin, Mark Bolender, Jake Schlman,

The following people submitted cards in Support but did not speak: Dan Nissanoff, Snowwhite Cindy, Maxie Marans, Hayya Nathanson

The following people spoke on the application:

Rabbi Gopen in favor- spoke in this application in regards to the function of the synagogue, accessibility and low impact to the community

Josh Nichols Agent from Schmidt Nichols: Gave a Presentation explained the history of the land and how the building is impacted by the site reduction, indicated that the Applicant has no relationship with the Randazzo school and the merits of the application.

Wendy Hernández Deputy Zoning Director – Gave a presentation and indicated the following; how the parcel was acquired by eminent domain for roadway easement in 2002, Place of worship type approval, the AGR a place of worship is not the only use that can go on the piece of property additional uses permitted within the AGR, Staff recommendations.

Lisa Amara Division Director: spoke in this application regarding the property ownership the impacts that proposed Randazzo school to the west and POW will potentially have regarding the proposed vehicular entrance and circulation and the property owner not considering other alternatives for the 2.7 lot site that could improve the circulation and connectivity.

Commissioner Gromann: spoke in this application in regards to; the purchase contract, how previous actions over the land support the argument for the variance, other residential parcels adjacent to the propose site, relationship of the proposed school and Chabad and approval process and approval extension for the Randazzo school.

Olive Bailey Land Development Division Director II: spoke in regards to the settlement of the land, ownership, illegal subdivision of the land drainage issues and the use of the use of the drainage area

Commissioner Scarborough: spoke in regards to a the previously proposed for a Living facility and Post Office for the site, what was the reason for the taking

Commissioner Beatty: spoke in this application in regards to the potential uses

Scott Backman Applicant Attorney- spoke in regard to; the client understood the issues

that have been discussed with eminent Domain hardship and the need for a setback and responded questions from the commissioners

Commissioner Reves: spoke in this application clarify the distance of the property owner to the back area of Chabad, and traffic impact.

Commissioner Beatty: requested clarification of the distances for the school to nearest residential and the synagogue.

Commissioner Sowards: requested clarification on the eminent domain and how is determine the area required determined and the type of uses

Agent Josh: answered the distance of 600 feet of residence, 40 foot Variance and about 130 average daily Trips in the peak is about six trips per hour

Scott Stone County Attorney- spoke in regards to the Variance will not create a precedence.

- a. **Title:** a Type 2 Variance **Request:** to allow a reduction in lot size, lot depth and rear setback on 2.77 acres

**MOTION:** To adopt a resolution **denying** item 8.a without prejudice

**Motion carried by a vote of 5-3-0**

| Reves  | Kern   | Scarborough | Sowards | Pavlik | Beatty | Brumfield | Kelley | Gromann |
|--------|--------|-------------|---------|--------|--------|-----------|--------|---------|
| Motion |        |             |         |        |        | Second    |        |         |
| Yes    | Absent | No          | Yes     | No     | Yes    | Yes       | Yes    | No      |

**Decision: To adopt a resolution approving item 8.a. by a vote of 5-3-0**

**C. Subdivision Applications**

**- END OF REGULAR AGENDA -**

**COMMENTS**

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

**ADJOURNMENT: 11:11**