



**ZONING COMMISSION HEARING**  
**Minutes for Thursday, April 6, 2023**

**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	Present
Commissioner Michael Kelley	Present
Commissioner Glenn Gromann	Present
Commissioner Sheri Scarborough	Present (arrived 9:10)
Commissioner Lisa Reves	Present
Commissioner Alex Brumfield	Absent
Commissioner Mark Beatty	Present

B. Opening Prayer and Pledge of Allegiance

C. **Remarks of the Chair** - County Attorney Scott Stone sworn in Lisa Reves as District 6 Zoning Commissioner.

D. Notice

E. Proof of Publication

**Motion to receive and file approved by a vote of 7-0-0**

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

F. Swearing In

G. **Approval of the Minutes**

**Motion to approve the Minutes by a vote of 7-0-0**

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

H. **Amendments to the Agenda**

Wendy Hernández, Deputy Zoning Director, read into the record the Amendments to the Agenda for

Item # 3 Amendment to Exhibit C to compliance Condition # 1 switching Board of County Commissioners for Zoning Commission.

Item # 4 Amendment to exhibit C, Amendment to Engineer Condition # 6 and deletion of Architecture review Condition # 3

Item # 6 Amendment to Exhibit C-1 Planning Condition # 16

Item # 7 Amendment to Exhibit C-1 an amendment to the All Petition Condition, an amendment to Engineering Condition # 1, amendment to exhibit C-4 All (Class A) Petition condition, and amendment to exhibit C-5 to the All Petition condition.

**Two comment cards were filled out:**

The first one on item # 5 opposition and wished not to speak. Comment card was read into records.

The second one on item # 7 opposed and wished to speak.

**Motion to adapt the Agenda as Amended by a vote of 7-0-0**

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

I. Disclosures for All Items on Agenda

Reves	Kern	Scarborough	Sowards	Pavlik	Beatty	Brumfield	Kelley	Gromann
None	None	None	None	None	None	Absent	None	None

J. Conflicts/Recusals

Reves	Kern	Scarborough	Sowards	Pavlik	Beatty	Brumfield	Kelley	Gromann
None	None	None	None	None	6 & 7	Absent	None	None

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS / REMANDS**

**1. W-2022-01656 Pine Trail Shopping Center (Control 1978-00273)**

**Zoning Application of Pine Trail Square LLC, by Dunay, Miskel and Backman, LLP, Agent**

**Location:** West side of Military Trail, south of Okeechobee Boulevard to Elmhurst Road

**Project Manager:** Imene Haddad

**BCC District:** 2

**a. Title:** a Type 2 Waiver **Request:** to allow extended the hours of operation for business within 250 feet of a parcel of land with a Residential Future Land Use on 28.06 acres

**MOTION:** No motion required. Administratively postponed to May 4, 2023.

**2. ZV/Z-2022-00534 Four Seasons Retail (Control 1973-00079)**

**Zoning Application of Four Seasons Military LLC by Schmidt Nichols, Agent**

**Location** West side of Military Trail, approximately 200 feet north of Lillian Avenue

**Project Manager:** Jordan Jafar

**BCC District:** 1

**a. Title:** a Type 2 Variance **Request:** to reduce the number of parking spaces on 1.19 acres

**MOTION:** No motion required. Administratively remanded to Development Review Officer (DRO).

**b. Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Community Commercial (CC) Zoning District on 1.19 acres.

**MOTION:** No motion required. Administratively remanded to Development Review Officer (DRO).

**B. WITHDRAWALS**

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

**CONSENT AGENDA**

**A. Requests To Pull Items From Consent**

**B. Zoning Applications**

**3. ZV-2022-01788 Plaza Delray MUPD (Control 2016-00078)**

**Zoning Application of Pebb Atlantic LLC by WGINC, Agent.**

**Location:** South side of Atlantic Avenue, approx. 500 feet east of Lyons Road.

**Project Manager:** Phil Myers

**BCC District:** 5

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

a. **Title:** a Type 2 Variance **Request:** to allow a reduction in the sign setback on 4.83 acres

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

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

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

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

**4. DOA-2022-01642 West Palm Beach Auto Auction (Control 2005-00641)**

**Zoning Application of Manheim Remarketing Inc, JMC-IV Real Estate Company by Urban Design Studio, Agent.**

**Location:** East side of Sansbury's Way, approximately 0.3 miles north of Southern Boulevard

**Project Manager:** Jordan Jafar

**BCC District:** 2

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

a. **Title:** a Development Order Amendment **Request:** to reconfigure the Site Plan; add Uses; add square footage; and to modify Conditions of Approval on 91.58 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			Yes	Yes	Yes	Absent	Yes	Yes

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

**5. CA-2022-01290 (Shapiro Property) (Control 2004-00233)**

**Zoning Application of Nandaiah Dhanekula, MGR, Emedical Plaza LLC by Schmidt Nichols, Agent.**

**Location:** West side of Military Trail approximately 0.5 miles north of Le Chalet Boulevard

**Project Manager:** Vincent Stark

**BCC District:** 2

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

a. **Title:** a Class A Conditional Use **Request:** to allow a MedicalOffice on 2.01 acres

**People who spoke on this application:**

Nancy Krar from the public spoke in opposition, mention she's the owner of building to the adjacent site, and has a Judgement against tenant stated that there were unpaid rental fees, occupied the build longer than suppose to, school traffic where cars parked along the side of the road to enter school.

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

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

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

**Decision: To recommend approval of item 5.a, by a vote of 8-0-0**

**6. ABN/DOA/CA-2022-01397 Polo Gardens MUPD (Control 2013-00296)**

**Zoning Application of** Elan Polo Gardens Owner LLC, Cardiovascular Centers of America, The Ferber Company by JMorton Planning & Landscape Architecture, Agent

**Location:** Southeast corner of Lake Worth Road and Polo Club Road

**Project Manager:** Jordan Jafar

**BCC District:** 6

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

**a. Title:** a Development Order Abandonment **Request:** to abandon the Type 1 Restaurant on 25.04 acres

**MOTION:** No motion required for abandonment.

**b. Title:** a Development Order Amendment **Request:** to reconfigure the site plan and change uses on 25.04 acres

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

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

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

**Decision: To recommend approval of item 6.b, by a vote of 7-0-1**

**c. Title:** a Class A Conditional Use **Request:** to allow a Hospital on 25.04 acres

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

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

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

**Decision: To recommend approval of item 6.c, by a vote of 7-0-1**

**7. DOA/CA-2021-01006 Shops at Indian Trails (Control 2006-00147)**

**Zoning Application of** Coconut Northlake LLC by JMorton Planning & Landscape Architecture, Agent.

**Location:** Southwest corner of Northlake Boulevard and Coconut Boulevard

**Project Manager:** Timothy Haynes

**BCC District:** 6

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

**a. Title:** a Development Order Amendment **Request:** to modify the Site Plan; add and delete uses, buildings, and square footage; add access points; and, modify Conditions of Approval on 29.53 acres.

**People who spoke on this application and comment cards:**

Deborah Brown from the public presented a card in opposition this was read into the record. The Property is located behind development and not looking forward to this project.

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

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

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

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

- b. **Title:** a Development Order Amendment **Request:** to modify uses (Type 1 Restaurant and Convenience Store with Gas Sales and an accessory car wash R-2011-1241) on 29.53 acres.

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

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

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

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

- c. **Title:** a Class A Conditional Use **Request:** to allow two Type 1 Restaurants with drive-through's; one Type 1 Restaurant greater than 5,000 sq. ft. with no drive-through; and one Type 2 Restaurant on 29.53 acres.

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

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

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

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

- d. **Title:** a Class A Conditional Use **Request:** to allow a General Daycare on 29.53 acres

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

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

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

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

- e. **Title:** a Class A Conditional Use **Request:** to allow a Carwash on 29.53 acres

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

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

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

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

**- END OF CONSENT AGENDA -**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. ZONING APPLICATIONS**

**- 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 8-0-0**

<b>Reves</b>	<b>Kern</b>	<b>Scarborough</b>	<b>Sowards</b>	<b>Pavlik</b>	<b>Beatty</b>	<b>Brumfield</b>	<b>Kelley</b>	<b>Gromann</b>
	Motion			Second				
Yes		Yes	Yes		Yes	Absent	Yes	Yes

**ADJOURNMENT 9:18**