



ZONING COMMISSION MEETING
Minutes for Thursday, July 6, 2023

CALL TO ORDER

A. Roll Call (9:00AM)

Commissioner Jess Sowards, Chair	Present
Commissioner Cheri Pavlik, Vice Chair	Present
Commissioner John Kern	Present
Commissioner Michael Kelley	Present
Commissioner Glenn Gromann	Absent
Commissioner Sheri Scarborough	Present
Commissioner Lisa Reves	Present
Commissioner Alex Brumfield	Absent
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 7-0-0

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

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	Yes	Yes	Yes	Yes	Absent	Yes	Absent

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 7-0-0

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

I. Disclosures for All Items on Agenda

Reves	Kern	Scarborough	Sowards	Pavlik	Beatty	Brumfield	Kelley	Gromann
						Absent		Absent
Item 7	Item 7	N/A	N/A	N/A	Item 4		N/A	

J. Conflicts/Recusals

Reves	Kern	Scarborough	Sowards	Pavlik	Beatty	Brumfield	Kelley	Gromann
N/A	N/A	N/A	N/A	N/A	Item 5	Absent	N/A	Absent

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. [ABN/DOA/CA-2022-01020 Sykes PCD](#) (Control 1982-00129)

Zoning Application of Okee 704 LLC by Schmidt Nichols, Agent.

Location: South side of Okeechobee Boulevard, approximately 200 feet west of the Florida Turnpike.

Project Manager: Cody Sisk/Carlos Torres

BCC District: 2

Staff Recommendation: requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

a. Title: a Development Order Abandonment **Request:** to abandon a Hotel on 7.23 acres

MOTION: No motion required for Abandonment.

b. Title: a Development Order Amendment **Request:** to reconfigure the Site Plan; delete square footage; add and delete uses and to modify Conditions of Approval on 7.23 acres

MOTION: To recommend approval of item 1.b

Motion carried by a vote of 7-0-0

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

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

c. Title: a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 7.23 acres

MOTION: To recommend approval of item 1.c

Motion carried by a vote of 7-0-0

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

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

2. [SV/CA-2022-01490 Islamic Center School](#) (Control 2022-00007)

Zoning Application of Islamic Center of West Delray Beach Inc. by Urban Design Studio, Agent.

Location: South side of 152nd Place S, approximately 1,300 feet East of Lyons Road

Project Manager: Vincent Stark

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C1 through C-3.

- a. **Title:** a Subdivision Variance **Request:** to allow a reduction in the legal access width on 9.85 acres

MOTION: To adopt a resolution approval of item 2.a

Motion carried by a vote of 7-0-0

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

Decision: To adopt a resolution approval of item 2.a., by a vote of 7-0-0

- b. **Title:** a Class A Conditional Use **Request:** to allow an Elementary and Secondary School on 9.85 acres

MOTION: To recommend approval of item 2.b

Motion carried by a vote of 7-0-0

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

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

- c. **Title:** a Class A Conditional Use **Request:** to allow a General Daycare on 9.85 acres

MOTION: To recommend approval of item 2.c

Motion carried by a vote of 7-0-0

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

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

3. [CA-2022-01916 Fit Pup](#) (Control 2022-00100)

Zoning Application of DKM Land Company LLC by Land Research Management Inc., Agent.

Location: South side of 150th Court North, approximately 0.25 miles east of 133rd Terrace North

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 C.

- a. **Title:** a Class A Conditional Use **Request:** to allow a Limited Pet Boarding on 3.11 acres

MOTION: To recommend approval of item 3.a.

Motion carried by a vote of 7-0-0

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

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

4. [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 Lilian Avenue

Project Manager: Jordan Jafar

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests with a Conditional Overlay Zone (COZ) and subject to the Conditions of Approval as indicated in Exhibit C-1 through C-2.

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

MOTION: To adopt a resolution approving item 4.a

Motion carried by a vote of 7-0-0

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

Decision: To adopt a resolution approving of item 4.a., by a vote of 7-0-0

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, including a Conditional Overlay Zone recommended by Staff

MOTION: To recommend approval of item 4.b

Motion carried by a vote of 7-0-0

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

Decision: To recommend approval of item 4.b., by a vote of 7-0-0

5. [SV/ZV/ABN/Z-2022-01751 First Care Office](#) (Control 2005-00193)

Zoning Application of First Care Family Resources Inc. by JMorton Planning & Landscape Architecture, Agent.

Location: Southeast corner of Northlake Boulevard and N Bates Road

Project Manager: Vincent Stark

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests with a Conditional Overlay Zone (COZ) and subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.

a. **Title:** a Subdivision Variance **Request:** to allow access from a major street on 0.98 acres

MOTION: To adopt a resolution approving item 5.a

Motion carried by a vote of 6-0-1

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

Decision: To adopt a resolution approving of item 5.a., by a vote of 6-0-1

b. **Title:** a Type 2 Variance **Request:** to allow a reduction in lot size, Right-of-Way buffer width, and Foundation planting on 0.98 acres

MOTION: To adopt a resolution approving item 5.b

Motion carried by a vote of 6-0-1

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

Decision: To adopt a resolution approving of item 5.b., by a vote of 6-0-1

c. **Title:** a Development Order Abandonment **Request** to abandon an Elementary or Secondary School on 0.98 acres

MOTION: No motion required for Abandonment.

d. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Residential Transitional (RT) Zoning District to the Commercial Low Office (CLO) Zoning District on 0.98 acres, including a Conditional Overlay Zone recommended by Staff

MOTION: To recommend approval of item 5.d

Motion carried by a vote of 6-0-1

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

Decision: To recommend approval of item 5.d., by a vote of 6-0-1

- END OF CONSENT AGENDA -

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED SUBDIVISION VARIANCE

6. [SV-2022-01887 True Deliverance Church of God](#) (Control 2022-00108)

Zoning Application of True Deliverance Church of God Inc. by H&L Planning & Development, Agent.

Location: Northeast corner of Tangerine Blvd and 130th Ave N

Project Manager: Scott Cantor

BCC District: 1

Staff Recommendation: Staff recommends **denial** of the request. Should the ZC approve this request, it should be subject to the Condition of Approval as indicated in Exhibit C.

a. **Title:** a Subdivision Variance **Request:** to allow access from an 80-foot access easement on 2.65 acres

People who spoke on this application:

Olive Bailey Land Development - gave a brief presentation

Pastor Whitehall- gave a brief presentation and requested a 60 day postponement

Lisa- Zoning Director-spoke on this application

Wendy Hernandez- Deputy Director- Spoke on this application

Commissioner Kern- spoke on this application

Commissioner Beatty- spoke on this application

16 Comment Cards:

The following people spoke in opposition: Eric Baxter, Rachel Donath, Micheal Toomey, Ralph Villarreal, Carol King, Stacy Fluegge, Bob Morgan, Lauren Mincey,

The following people submitted cards in opposition but did not speak: Bonnie James, Jacqueline Reinoso, Elizabeth Accomando
 The following people submitted cards in opposition not read into records: Kathleen Bykowicz, Jacqueline Streetzel, Jacinda Toomey, Mitchell Marx,

MOTION: To Request Postponement

Motion carried by a vote of 6-1-0

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

Decision: To deny request of Postponement for item 6.a., by a vote of 6-1-0

MOTION: To adopt a resolution **denying, with prejudice,** item 6.a

Motion carried by a vote of 7-0-0

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

Decision: To adopt a resolution denying, with prejudice item 6.a., by a vote of 7-0-0

C. SUBDIVISION VARIANCE

7. [SV-2022-01904 DaCosta Horn Marshall Road Lot Split](#) (Control 2022-00109)

Zoning Application of Kevin Horn by Richard W. Carlson Jr Esq, Agent.

Location: West of Cleary Road and south of State Road 80

Project Manager: Scott Cantor

BCC District: 2

Staff Recommendation: Staff recommends **denial** of the request. Should the ZC approve this request, it should be subject to the Conditions of Approval as indicated in Exhibit C.

- a. Title:** a Subdivision Variance **Request:** to allow access from the existing 30-foot road easement with no sidewalks on 4.63 acres

People who spoke on this application:

- Jamie Horne- Agent- gave a brief presentation
- Olive Bailey- Land Development- gave a brief presentation
- Commissioner Pavlik- spoke on this application
- Commissioner Kern- spoke on this application
- Commissioner Kelley- spoke on this application

2 Comment Cards:

The following people submitted cards in support: Jaime DaCosta, Kevin Horn

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

Motion carried by a vote of 7-0-0

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

Decision: To adopt a resolution approving item 7.a., by a vote of 7-0-0

- 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 7-0-0

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

ADJOURNMENT 10:59

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