



**THURSDAY, JUNE 3, 2021**  
**MINUTES**

**CALL TO ORDER**

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

|  |           |
|--|-----------|
| Commissioner John Kern, Chair                    | Present   |
| Commissioner Marcelle Griffith Burke, Vice Chair | Present   |
| Commissioner Cheri Pavlik                        | Present   |
| Commissioner Michael Kelley                      | Present   |
| Commissioner Sam Caliendo                        | Present   |
| Commissioner Sheri Scarborough                   | Present   |
| Commissioner Alex Brumfield                      | Via Webex |
| Commissioner Mark Beatty                         | Present   |
| Commissioner Jess Sowards                        | Present   |

**B. Opening Prayer and Pledge of Allegiance**

**C. Motion to allow Commissioner Brumfield to participate Remotely Due to Extraordinary Circumstances**

Motion carried by a vote of 8-0-0

|         |             |          |      |          |        |        |        |
|---------|-------------|----------|------|----------|--------|--------|--------|
| Sowards | Scarborough | Burke    | Kern | Caliendo | Kelley | Beatty | Pavlik |
|         |             | Seconded |      |          |        | Moved  |        |
| Yes     | Yes         | Yes      | Yes  | Yes      | Yes    | Yes    | Yes    |

**D. Remarks of the Chair**

**E. Notice**

**F. Proof of Publication**

Motion to receive and file approved by a vote of 9-0-0

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         | Moved       |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Yes    |

**G. Swearing In**

**H. Adoption of the Minutes**

Motion to receive and file approved by a vote of 9-0-0

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         | Moved       |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Yes    |

I. Amendments to the Agenda

J. Motion to adopt the Agenda

Motion carried as amended and all Variances by a vote of 9-0-0

|         |             |          |      |          |           |        |        |        |
|---------|-------------|----------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke    | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         |             | Seconded |      | Moved    |           |        |        |        |
| Yes     | Yes         | Yes      | Yes  | Yes      | Yes       | Yes    | Yes    | Yes    |

K. Disclosures

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
| 0       | 4           | 0     | 4    | 0        | 0         | 0      | 0      | 0      |

L. Conflicts/Recusals

\*Commissioner Pavlik filed a Memorandum of Voting Conflict Form 8B (F.S. 112.3143) with Zoning Technician for item 3, ZV/PDD/DOA-2021-00111 – Harbor Chase Wellington Crossing MUPD, prior to vote.

Motion to receive and file 8-0-1

|         |             |       |      |          |           |        |        |         |
|---------|-------------|-------|------|----------|-----------|--------|--------|---------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik  |
|         | Moved       |       |      | Seconded |           |        |        |         |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Abstain |

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA CONSENT**

**AGENDA**

**REGULAR AGENDA**

**COMMENTS**

**ADJOURNMENT**

Web address: <https://discover.pbcgov.org/pzb/zoning/Pages/ZC-Hearings-Meetings.aspx>

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**B. REMANDS**

- DOA-2020-01452** Title: a Development Order Amendment application of Jupiter Burrito Bros LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to amend a previously approved Planned Commercial Development to modify the Site Plan; and, add building square footage.

Title: a Type 2 Variance application of Jupiter Burrito Bros LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow utility easement overlap with landscape buffer.

General Location: West side of Jupiter Farms Road, approximately 1.2 miles south of West Indiantown Road. **(The Farms Market Place MUPD)** (Control 1980-00234)

Pages 1 - 1

Project Manager: Timothy Haynes

Size: 1.83 acres +

BCC District: 1

Staff Recommendation: To approve the Applicant's request to remand back to the Zoning Commission on Thursday, July 1, 2021.

**MOTION**: to approve the Applicant's request to remand back to the Zoning Commission, verbally amended to Development Review Officer, on Thursday, July 1, 2021.

Motion carried by a vote of 9-0-0.

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
| Moved   |             |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Yes    |

**Board Decision: Approved Applicant's request to remand back to the Zoning Commission on Thursday, July 1, 2021 by a vote of 9-0-0.**

**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**

2. **DOA-2020-01546** Title: a Development Order Amendment application of Pinewood Palm Beach Retail LLC by Insite Studio, Agent. Request: to modify the Site Plan; add square footage; and, modify Conditions of Approval.

General Location: Southeast corner of Lantana Road and Jog Road. (**AutoZone Pinewood Square**) (Control 1986-00008)

Pages 3 - 34

Conditions of Approval Pages (10 - 16)

Project Manager: Brenya Martinez

Size: 28.22 acres +

BCC District: 3

(affected area 0.62 acres ±)

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

**MOTION:** to modify the Site Plan; add square footage; and, modify Conditions of Approval.

Motion carried by a vote of 9-0-0.

| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty   | Pavlik |
|---------|-------------|-------|------|----------|-----------|--------|----------|--------|
|         | Moved       |       |      |          |           |        | Seconded |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes      | Yes    |

**Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.**

3. **ZV/PDD/DOA-2021-00111** Title: a Type 2 Variance application of SGD Wellington Crossing, LLC by Urban Design Studio, Agent. Request: to reduce Right-of-Way (R-O-W) Buffer Landscape Requirements.

Title: an Official Zoning Map Amendment application of SGD Wellington Crossing, LLC by Urban Design Studio, Agent. Request: to rezone from the Planned Unit Development (PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Development Order Amendment application of SGD Wellington Crossing, LLC by Urban Design Studio, Agent. Request: to modify the Site Plan; and, to add uses, access points, buildings and square footage.

General Location: Northwest corner of Lake Worth Road and Blanchette Trail. (**Harbor Chase of Wellington Crossing MUPD**) (Control 2004-00009)

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

**MOTION:** To adopt a Resolution approving a Type 2 Variance to reduce Right-of-Way (R-O-W) Buffer Landscape Requirements, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 8-0-1

|         |             |       |      |          |           |        |        |         |
|---------|-------------|-------|------|----------|-----------|--------|--------|---------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik  |
|         | Moved       |       |      | Seconded |           |        |        |         |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Abstain |

**Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 8-0-1.**

**MOTION:** To recommend approval of an Official Zoning Map Amendment to rezone from the Planned Unit Development (PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-0-1

|         |             |       |      |          |           |        |        |         |
|---------|-------------|-------|------|----------|-----------|--------|--------|---------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik  |
|         | Moved       |       |      | Seconded |           |        |        |         |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Abstain |

**Board Decision: Recommended an Official Zoning Map Amendment to by a vote of 8-0-1.**

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan; and, to add uses, access points, buildings and square footage, subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried by a vote of 8-0-1

|         |             |       |      |          |           |        |        |         |
|---------|-------------|-------|------|----------|-----------|--------|--------|---------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik  |
|         | Moved       |       |      | Seconded |           |        |        |         |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Abstain |

**Board Decision: Recommended Approval of a Development Order Amendment by a vote of 8-0-1.**

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

4. **PDD/DOA-2020-00268** Title: an Official Zoning Map Amendment application of Tuscan Gardens Of Delray Beach Properties, LLC by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Development Order Amendment to a Planned Development District and a Requested Use application of Tuscan Gardens Of Delray Beach Properties, LLC by WGINC, Agent. Request: to reconfigure the Master Plan and Site Plan; add land area; add residents/beds; and, modify Conditions of Approval.

General Location: West side of Sims Road, approximately 0.5 miles north of Atlantic Avenue. **(Tuscan Gardens of Delray Beach)** (Control 2005-00506)

Pages 103 - 134

Conditions of Approval Pages (110 - 117)

Project Manager: Travis Goodson

Size: 12.78 acres +

BCC District: 5

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

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

Motion carried by a vote of 9-0-0

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         | Moved       |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Yes    |

**Board Decision: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.**

**MOTION:** To recommend approval of a Development Order Amendment to a Planned Development District to reconfigure the Master Plan; add land area; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         | Moved       |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Yes    |

**Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.**

**MOTION:** To recommend approval of a Development Order Amendment to a Requested Use to reconfigure the Site Plan; add residents/beds; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried by a vote of 9-0-0

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         | Moved       |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Yes    | Yes    |

**Board Decision: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.**

5. **Z/W-2020-01272** Title: an Official Zoning Map Amendment application of Luca Land, LLC, Southport Financial Services, Inc. by Schmidt Nichols, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) and Multifamily Residential (RM) Zoning Districts to the Urban Infill (UI) Zoning District.

Title: a Type 2 Waiver application of Luca Land, LLC, Southport Financial Services, Inc. by Schmidt Nichols, Agent. Request: to eliminate Slip Street Frontage; allow the facade with the shortest length to be considered the front; to allow a parking structure on a Secondary Frontage without screening by habitable uses; allow the setback on the Secondary Frontage to exceed the maximum required; and, reduce the number of bicycle parking spaces.

General Location: Southeast corner of South Military Trail and Maine Street. (**Southport Grove**) (Control 1971-10014)

Pages 135 - 200

Conditions of Approval Pages (147 - 149)

Project Manager: Timothy Haynes

Size: 1.80 acres +

BCC District: 3

Staff Recommendation: 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 Neighborhood Commercial (CN) and Multifamily Residential (RM) Zoning Districts to the Urban Infill (UI) Zoning District, subject to a Conditional Overlay Zone; and, the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 8-1-0

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         | Moved       |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Oppose | Yes    |

**Board Decision: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-1-0.**



**MOTION:** To recommend approval of a Type 2 Waiver to eliminate Slip Street Frontage; allow the facade with the shortest length to be considered the front; to allow a parking structure on a Secondary Frontage without screening by habitable uses; allow the setback on the Secondary Frontage to exceed the maximum required; and, reduce the number of bicycle parking spaces, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-1-0

|         |             |       |      |          |           |        |        |        |
|---------|-------------|-------|------|----------|-----------|--------|--------|--------|
| Sowards | Scarborough | Burke | Kern | Caliendo | Brumfield | Kelley | Beatty | Pavlik |
|         | Moved       |       |      | Seconded |           |        |        |        |
| Yes     | Yes         | Yes   | Yes  | Yes      | Yes       | Yes    | Oppose | Yes    |

**Board Decision: Adopted a Resolution Approving a Type 2 Waiver by a vote of 8-1-0.**

**D. ZONING APPLICATIONS - NEW**

**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**

**ADJOURNED: 10:31 A.M.**

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9

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|  |   |
|--|---|
| LAST NAME—FIRST NAME—MIDDLE NAME<br>Favlik Cheri | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br>Zoning   |
| MAILING ADDRESS<br>7263 159th Ct N.              | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY<br>Plym COUNTY<br>FL FLA                    | NAME OF POLITICAL SUBDIVISION:  |
| DATE ON WHICH VOTE OCCURRED<br>6/3/21            | MY POSITION IS:<br><input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE   |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Cheer Parik, hereby disclose that on 6/3, 2021:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Leo A Daly;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ZV/PPP DOA. 2021-00111  
my firm is currently a  
subconsultant to Urban Design  
Studios on a project in  
Wellington

6/3/21  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.