



ZONING COMMISSION HEARING
Minutes for Thursday, January 5, 2023

CALL TO ORDER

- A. Roll Call - **9:00 A.M.**
 - Commissioner Marcelle Griffith-Burke, Chair Present
 - Commissioner John Kern, Vice Chair Present
 - Commissioner Cheri Pavlik Present
 - Commissioner Michael Kelley Absent
 - Commissioner Sam Caliendo Present
 - Commissioner Sheri Scarborough Present
 - Commissioner Alex Brumfield Present (arrived 9:27)
 - Commissioner Mark Beatty Present
 - Commissioner Jess Sowards Absent
- 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 6-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

- F. Swearing In
- G. Adoption of the Minutes

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

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

- H. Amendments to the Agenda

Wendy Hernández, Deputy Zoning Director, read into the record the Amendments to the Agenda for items 2, 3, and 7. In addition, Ms. Hernandez requested the Board's desire to move item # 8 to the Consent Agenda as there were no cards and the Applicant was in agreement with the Conditions of Approval.

Motion to move Item #8 to the Consent Agenda by a vote of 5-0-1

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Seconded	Moved						
Absent	Yes	Yes	Yes	Yes	Recused	Absent	Absent	Yes

- I. Motion to adopt the Agenda as Amended

Motion to approve as amended by a vote of 6-0-0

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

J. Disclosures

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
Absent	7	7/9	None	9	None	None*	Absent	7

* Disclosure after his arrival

K. Conflicts/Recusals

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
Absent	None	None	None	None	8	Absent	Absent	None

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

Ms. Hernandez confirmed there were no Postponements, Remands or Withdrawals

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT

A. REQUESTS TO PULL ITEMS FROM CONSENT

Ms. Hernandez advised the Board there were cards for items 1, 2, 3 and 4, and at the will of the Board if they want to pull those items to move to the Regular Agenda.

Commissioner Burke requested to pull Item # 2 and Item # 3 from Consent Agenda to the Regular Agenda.

Motion to move items 2 and 3 to the Regular Agenda approved by a vote of 6-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

Board Decision: Pull item from consent, by a vote of 6-0-0

B. ZONING APPLICATIONS -

1. ZV/DOA-2022-00119, Palm Beach Memorial Park,(Control 1983-00115)

Title: a Type 2 Variance application of Northstar Palm Beach LLC by Covelli Design Associates Inc., Agent. **Request:** to eliminate a portion of the Incompatibility Buffer on the south property line on 25.89 acres

Title: a Development Order Amendment application of Northstar Palm Beach LLC by Covelli Design Associates Inc., Agent. **Request:** to modify the Site Plan; delete land area; modify and delete Conditions of Approvals; and, relocate square footage on 25.89 acres

General Location: West side of Seacrest Boulevard, 2000 feet south of Hypoluxo Road

Project Manager: Jordan Jafar

Size: 25.89 acres ±

BCC District: 7

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

People who spoke and/or submitted a card on this application:

Commissioner Burke stated there were two cards submitted in support, of which one person requested to speak.

Michael Cavelli- He spoke from the audience he didn't want to speak

MOTION: To adopt a resolution approving a Type 2 Variance to eliminate a portion of the Incompatibility Buffer on the south property line subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion to approved Consent items 1, 4, 5, and 6 carried by a vote of 6-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

Board Decision: Approval of a Type 2 Variance by a vote of 6-0-0

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan; delete land area; modify and delete Conditions of Approvals; and, relocate square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion to approved Consent items 1, 4, 5, and 6 carried by a vote of 6-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

Board Decision: Recommend Approval of a Development Order Amendment, by a vote of 6-0-0

4. **SV-2022-01014 Adam's Fiveplex**, (Control 2022-00044)

Title: a Subdivision Variance application of Adam Kharbech. **Request:** to allow access from a 30-foot Right-of-Way with no swales or gutters on 0.55 acres.

General Location: Northwest corner of Gardenette Street and Mango Drive

Project Manager: Scott Cantor

Size: 0.54 acres ±

BCC District: 3

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

MOTION: To adopt a resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way with no swales or gutters, subject to the Conditions of Approval as indicated in Exhibit C.

People who spoke and/or submitted a card on this application:

Commissioner Burke read into a card was submitted for item #4, in opposition, but they did not wish to speak. This card was entered into the record from Delvis Dilone and Adam Kharbech

Motion to approved Consent items 1, 4, 5, and 6 carried by a vote of 6-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Motion	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

Board Decision: Approval of a Subdivision Variance, by a vote of 6-0-0

5. **SV-2022-01104, Le Reve on Davis**, (Control 2022-00064)

Title: a Subdivision Variance application of Brian Berman by Land Research Management Inc., Agent. **Request:** to allow access from a 30-foot Right-of-Way on 0.94 acres.

General Location: West side of Davis Road, approximately 365 feet south of Melaleuca Lane

Project Manager: Scott Cantor

Size: 0.94 acres ±

BCC District: 3

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

MOTION: To adopt a resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way, subject to the Conditions of Approval as indicated in Exhibit C.

Motion to approved Consent items 1, 4, 5, and 6 carried by a vote of 6-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Motion	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

Board Decision: Approval of a Subdivision Variance, by a vote of 6-0-0

6. **SV-2022-00637 Davis Commons** (Control 2022-00033)

Title: a Subdivision Variance application of Community Land Trust of Palm Beach County, CP 4489 Davis LLC, Housing Partnership Inc by PLACE Planning & Design, Agent. **Request:** to allow access from the existing 30-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips on 1.89 acres

General Location: East side of Davis Road, approximately 0.25 miles north of Melaleuca Lane

Project Manager: Scott Cantor

Size: 1.89 acres ±

BCC District: 3

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

MOTION: To adopt a resolution adopting a Subdivision Variance to allow access from a 30-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips, subject to the Conditions of Approval as indicated in Exhibit C.

Motion to approved Consent items 1, 4, 5, and 6 carried by a vote of 6-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Motion	Second						
Absent	Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes

Board Decision: Approval of a Subdivision Variance, by a vote of 6-0-0

8. **ABN/DOA/CA-2021-02125. Villages of Windsor - SE Residential** (Control 1996-00081)

Title: a Development Order Abandonment application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to abandon a Class A Conditional Use to allow a Type 3 Congregate Living Facility on 12.12 acres

Title: a Development Order Amendment application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to reconfigure the Master Plan; add units; re-designate land use from a Civic Pod to a Residential Pod; and, modify and delete Conditions of Approval on 543.59 acres

Title: a Class A Conditional Use application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to allow a Transfer of Development Rights (TDRs) on 11.84 acres

Title: a Class A Conditional Use application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to allow Workforce Housing density bonus greater than 50 percent on 11.84 acres

General Location: Southeast corner of Hypoluxo Road and Lyons Road

Project Manager: Timothy Haynes

Size: 543.59 acres ±

(Pod K area 11.84 acres ±)

BCC District: 6

Staff Recommendation: Staff Recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-3.

MOTION: No motion required. (Abandonment)

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; add units; re-designate land use from civic to residential; and delete Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion to approved Consent item 8 carried by a vote of 5-0-1

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Abstain	Absent	Absent	Yes

Board Decision: Recommend approval of a Development Order Amendment, by a vote of 5-0-1

MOTION: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights (TDRs), subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion to approved Consent item 8 carried by a vote of 5-0-1

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Abstain	Absent	Absent	Yes

Board Decision: Recommend approval of a Class A Conditional Use, by a vote of 5-0-1

MOTION: To recommend approval of a Class A Conditional Use to allow a Density Bonus (Workforce Housing Program) greater than 50 percent, subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion to approved Consent item 8 carried by a vote of 5-0-1

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Moved	Second						
Absent	Yes	Yes	Yes	Yes	Abstain	Absent	Absent	Yes

Board Decision: Recommend approval of a Class A Conditional Use, by a vote of 5-0-1

END OF CONSENT AGENDA

REGULAR

A. ITEMS PULLED FROM CONSENT-

2. **ZV-2022-01243, Palm Beach Park of Commerce PIPD Plat 23,** (Control 1981-00190)

Title: a Type 2 Variance application of WPB Parcel E Owner, LLC by Urban Design Studio LLC, Agent. **Request:** to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native pine trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer on 23.13 acres

General Location: North of and adjacent to the Beeline Highway, and east of Park of Commerce Boulevard

Project Manager: Alex Biray

Overall PIPD: 1,322.19 acres ±

Subject Site: 23.13 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type 2 Variance to substitute the six-foot-high opaque wall with an eight-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C.

People who spoke and/or submitted a card on this application:

Joni Brinkman, Agent. Gave a brief presentation

Commissioner Kern advised the Board there were six cards submitted in opposition that did not wish to speak, and that each of the cards discussed the requirement for the a six-foot wall. The names are the cards were: Debbie Crisp and Jason Sherman, Gale Langford, Andrea Sherman David Rebholz, Robert Clutter.

Phil Elmore- Spoke on the property of the Park of Commerce Develop and we would like that this variance request be denied.

Sebastian Lemos- Spoke on the property of the Park of Commerce Develop and the wall

MOTION: To adopt a resolution approving a Type 2 Variance to substitute the six-foot-high opaque wall with an eight-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval, as indicated in Exhibit C, and as amended at the hearing.

Motion carried by a vote of 7-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes

Board Decision: Approval of a Type 2 Zoning Variance, as amended, with conditions by a vote of 7-0-0

3. **ZV-2022-01244. Palm Beach Park of Commerce PIPD Plat 24.** (Control 1981-00190)

Title: a Type 2 Variance application of WPB Parcel G Owner, LLC by Urban Design Studio LLC, Agent. **Request:** to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native pine trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer on 5.09 acres

General Location: East side of Park of Commerce Boulevard, approximately 1,500 feet, north of the Beeline Highway

Project Manager: Alex Biray
Overall PIPD: 1,322.19 acres

±

Subject Site:: 5.09 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C.

People who spoke and/or submitted a card on this application:

Commissioner Kern advised the Board there were five cards submitted, in opposition that did not wish to speak, and represented comments regarding the opaque wall. The names are the cards were: Gale Langford, Andrea Sherman, Debbie Crisp, Jason Sherman, Robert Clutter,

Sebastian Lemos, David Rebholz, Phil Elmore,

MOTION: To adopt a resolution approving a Type 2 Variance to substitute the six-foot-high opaque wall with a **eight**-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C, and as amended at the hearing

Motion carried by a vote of 7-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes

Board Decision: Approval of a Type 2 Zoning Variance, as amended, with conditions by a vote of 7-0-0

B. ZONING APPLICATIONS - NEW

7. **Z/CA-2022-00488. Colony Estates at Boynton,** (Control 1978-00129)

Title: an Official Zoning Map Amendment application of Willis Family Trust, The Colony Estates at Boynton LLC by WGINC, Agent. **Request:** an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District on 9.78 acres

Title: a Class A Conditional Use application of Willis Family Trust, The Colony Estates at Boynton LLC by WGINC, Agent. **Request:** a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units on 9.78 acres

Title: a Class A Conditional Use application of Willis Family Trust, The Colony Estates at Boynton

LLC by WGINC, Agent. **Request:** a Class A Conditional Use to allow a combined density increase of Workforce Housing Program and Transfer of Development Rights in excess of two units per acre on 9.78 acres

General Location: North side of Coconut Lane, approximately 1,700 feet east of the Military Trail Project Manager: Imene Haddad

Size: 9.62 acres ±

BCC District: 4

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

People who spoke and/or submitted a card on this application:

Yoan Machado, Agent, gave a presentation regarding the subject application. Requested the condition of Approval for the landscape buffer be removed.

Imene Haddad, Staff, gave a brief presentation regarding Staff's analysis. Ms. Hernandez provided clarification regarding the condition on the buffering.

Commissioner Kern advised the Board there was one card in opposition that did not wish to speak. This card was submitted by Stewart Miller, Jim Knight, and Susan Hayes, Bob Hayes, Susan Bucher, Stuart Mehler, George Kientzy, Mary Kientzy, Randy Durst

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District, subject to the Condition of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 7-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes

Board Decision: Recommend approval of an Official Zoning Map Amendment, by a vote of 7-0-0

MOTION: To recommend approval of a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 7-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes

Board Decision: Recommend approval of a Class A Conditional Use, by a vote of 7-0-0

MOTION: To recommend approval of a Class A Conditional Use to allow a combined density increase of Workforce Housing Program and Transfer of Development Rights, in excess of two units per acre, subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried by a vote of 7-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	Yes	Yes	Absent	Yes

Board Decision: Recommend approval of a Class A Conditional Use, as amended, by a vote of 7-0-0

9. **DOA/CAW-2022-00466, Diamond Plaza,** (Control 1986-00004)

Title: a Development Order Amendment application of Kanela Enterprise WPB, LLC - Nelson Tiburicio by Urban Design Studio, Agent. **Request:** to modify uses on 2.07 acres

Title: a Class A Conditional Use application of Kanela Enterprise WPB, LLC - Nelson Tiburicio by Urban Design Studio, Agent. **Request:** to allow a Cocktail Lounge within 250 feet of a parcel of land with a residential future land use designation or use on 2.07 acres

Title: a Type 2 Waiver application of Kanela Enterprise WPB, LLC - Nelson Tiburicio by Urban Design Studio, Agent. **Request:** to allow an extension of the hours of operation for a Non-Residential use located within 250 feet of a parcel of land with a residential future land use designation or use on 2.07 acres

General Location: Southeast corner of S. Military Trail and Diamond

Road Project Manager: Jerome Ottey
 Size: 2.07 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the requests.

People who spoke and/or submitted a card on this application:

Alan Ciklin- Gave a brief presentation on the subject application. In addition, in presented modifications to conditions of approval related to hiring of Palm Beach County Sheriff and the hours of operation. The applicant would be willing to provide quarterly reports or whatever reports are needed, a copy of the contract.

Jerome Ottey- Gave a brief presentation of staff denial of the requests of Cocktail Lounge

Francisco Torres – Spoke in support of the applicant.

MOTION: To recommend **approval** of a Development Order Amendment to modify uses subject to the Conditions of Approval as indicated in Exhibit C-1. **Motion carried by a vote of 6-1-0**

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	No	Yes	Absent	Yes

Board Decision: Recommend approval of a Development Order Amendment, by a vote of 6-1-0

MOTION: To recommend **approval** of a Class A Conditional Use) to allow a Cocktail Lounge within 250 feet of a parcel of land with a residential future land use designation or use subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 5-2-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	No	Yes	Absent	No

Board Decision: Recommend approval of a Class A Conditional Use, as amended, by a vote of 5-2-0

MOTION: To recommend **approval** of a Type 2 Waiver to allow an extension of the hours of operation for a Non-Residential use located within 250 feet of a parcel of land with a residential future land use designation or use subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried by a vote of 5-2-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second	Moved						
Absent	Yes	Yes	Yes	Yes	No	Yes	Absent	No

Board Decision: Recommend approval of a Type 2 Waiver, as amended, by a vote of 5-2-0

END OF REGULAR AGENDA

COMMENTS

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

ADJOURNMENT - 11:33 a.m.