



ZONING COMMISSION HEARING
Minutes for Thursday, March 2, 2023

CALL TO ORDER

- A. **Roll Call (9:00 AM)**
 Commissioner John Kern, Vice Chair Present
 Commissioner Cheri Pavlik Absent
 Commissioner Michael Kelley Present
 Commissioner Glenn Gromann Present
 Commissioner Sheri Scarborough Present (arrived 9:05)
 Commissioner Nicole Karuzas Absent
 Commissioner Alex Brumfield Present
 Commissioner Mark Beatty Present
 Commissioner Jess Sowards Present
- B. Opening Prayer and Pledge of Allegiance
- C. **Remarks of the Chair**
 Commissioner Kern Gave a brief presentation to Welcome Glenn Gromann from Planning Commissioners to Zoning Commissioners
- D. Notice
- E. Proof of Publication

Motion to receive and file approved by a vote of 6-0-0

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

- F. **Swearing In:**
 Darren Leiser, Assistant County Attorney swore in new Zoning Commissioner, Glenn Gromann, representing District 4.

G. **Adoption of the Minutes**

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

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

- H. **Amendments to the Agenda**
 Wendy Hernández, Deputy Zoning Director, read into the record the Amendments to the Agenda for items # 1 Postponement administrative, # 9 would be requesting a Postponement, and item # 6 move to Regular Agenda, Wendy Hernández also spoke that at the end of Zoning Commission meeting would hold the Annual Election of Chair and Vice Chair as noted on the add and delete.

- Two comment cards were filled out
 - One on item #6 in support and wished to speak,
 - One on item # 7 support and do not wishes to speak.

I. **Motion to Adopt the Agenda as Amended**

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

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

J. Disclosures

| Sowards | Gromann | Scarborough | Karuzas | Kern | Beatty | Brumfield | Kelley | Pavlik |
|---------|---------|-------------|---------|------|--------|-----------|--------|--------|
| None | None | 9 | Absent | 9 | 9 | 9 | None | Absent |

K. Conflicts/Recusals

| Sowards | Gromann | Scarborough | Karuzas | Kern | Beatty | Brumfield | Kelley | Pavlik |
|---------|---------|-------------|---------|------|--------|-----------|--------|--------|
| None | None | None | Absent | None | 3 | None | None | Absent |

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- W-2022-01656, Pine Trail Shopping Center** (Control 1978-00273)
Title: a Type 2 Waiver application of Pine Trail Square LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow extended hours of operation for business within 250 feet of a parcel of land with a Residential Future Land Use on 28.06 acres
General Location: Southwest Corner of Okeechobee Boulevard and North Military Trail

Project Manager: Imene Haddad
 Size: 28.06 acres ±
 BCC District: 2

MOTION: No motion required. Administratively postponed to April 6, 2023.

- ZV/Z-2022-00534, Four Seasons Retail** (Control 1973-00079)
Title: a Type 2 Variance application of Four Seasons Military LLC by Schmidt Nichols, Agent. Request: to reduce the number of parking spaces on 1.19 ac Title: an Official Zoning Map Amendment application of Four Seasons Military LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Community Commercial (CC) Zoning District on 1.19 acres
General Location: West side of Military Trail, approximately 200 feet north of Lillian Avenue.

Project Manager: Jordan Jafar
 Size: 1.19 acres ±
 BCC District: 1

Staff Recommendation: Staff recommends denial of the Type 2 Variance request. Should the Zoning Commission choose to approve the request, then staff recommends the Conditions of Approval as indicated in Exhibit C-1.

Staff recommends approval of an Official Zoning Map Amendment, with a Conditional Overlay Zone, subject to the Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application and comment cards,

Agent Josh Nichols spoke requesting to postpone the item

MOTION: To postpone Item 9 until April 6, 2023

Motion carried by a vote of 7-0-0

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

Decision: To approve a postponement of item #9 to April 6, 2023, by a vote of 7-0-0

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT- (Item # 6 to Regular Agenda)

Motion carried by a vote of 7-0-0

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

Decision: To pull item from consent, by a vote of 7-0-0

B. ZONING APPLICATIONS - NEW

2. Z-2022-01640, Howell Lane Rezoning (Control 2022-00063)

Title: an Official Zoning Map Amendment application of Leonard Schulz by Team Plan Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District on 2.25 acres

General Location: West side of Howell Lane, approximately 2,000 feet north of Northlake Boulevard

Project Manager: Phil Myers

Size: 2.25 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request, with a Conditional Overlay Zoning, and subject to the Condition of Approval as indicated in Exhibit C

MOTION: To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ) and subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 7-0-0

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

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

3. Z-2022-01116, Morin/Connolly Commerce (Control 2016-00159)

Title: an Official Zoning Map Amendment application of Morin Robert Tr & Carol, Howard Connolly by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District on 3.41 acres

General Location: West side of State Road 7, approximately 0.2 mile north of Boynton Beach Boulevard

Project Manager: Cody Sisk

Size: 3.41 acres ±

BCC District: 5

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District, subject to the Condition of Approval as indicated in Exhibit C

Motion carried by a vote of 7-0-0

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

Decision: approval of an Official Zoning Map Amendment, by a vote of 6-0-1

4. **Z-2022-01110, Deleon Rezoning** (Control 2003-00073)

Title: an Official Zoning Map Amendment application of Jose Deleon by Land Research Management Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District on 8.66 acres
General Location: South side of Pioneer Road, approximately 2,200 feet east of Lyons Road

Project Manager: Vincent Stark
 Size: 8.66 acres ±
 BCC District: 6

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

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

Motion carried by a vote of 7-0-0

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

Decision: To recommend approval of an Official Zoning Map amendment, by a vote of 7-0-0

5. **Z-2022-00948, LTG Sports Turf** (Control 2010-00028)

Title: an Official Zoning Map Amendment application of LTG Boynton Beach LLC by Urban Design Studio, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District on 5.01 acres
General Location: North side of 100th Street S, approximately 0.13 miles west of 441 (SR-7)

Project Manager: Cody Sisk
 Size: 5.01 acres ±
 BCC District: 5

Staff Recommendation: Staff recommends approval of the request, with a Conditional Overlay Zone, and subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District, with a Conditional Overlay Zone, subject to the Conditions of Approval as indicated in Exhibit C

Motion carried by a vote of 7-0-0

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

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

7. **ABN/Z/CA-2022-00218, Brentwood of Wellington** (Control 2005-00454)

Title: a Development Order Abandonment application of Palm Beach Recovery 2016 LLC, AHC Acquisitions, LLC - Charlie Scardina, HRS Palm Beach LLC by Insite Studio, Agent.

Request: to abandon a Type 3 Congregate Living Facility on 9.17 acres

Title: an Official Zoning Map Amendment application of Palm Beach Recovery 2016 LLC, AHC Acquisitions, LLC - Charlie Scardina, HRS Palm Beach LLC by Insite Studio, Agent.

Request: to allow a rezoning from the Community Commercial (CC) Zoning District on 1.05 acres and the Planned Unit Development (PUD) Zoning District on 9.17 acres to the Residential Multifamily (RM) Zoning District on 10.22 acres

Title: a Class A Conditional Use application of Palm Beach Recovery 2016 LLC, AHC Acquisitions, LLC - Charlie Scardina, HRS Palm Beach LLC by Insite Studio, Agent.

Request: a Class A Conditional Use to allow a combined density increase with the Workforce Housing Program and Transfer of Development Rights Program in excess of two units per acre on 10.22 acres

General Location: West side of State Road 7, approx. 0.5 miles north of Lantana Rd

Project Manager: Jerome Ottey

Size: 10.22 acres ±

BCC District: 6

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

MOTION: No motion required (Abandonment).

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Community Commercial (CC) Zoning District and Planned Unit Development (PUD) Zoning District to the Residential Multifamily (RM) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 7-0-0

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

Decision: To 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 a combined density increase with the Workforce Housing Program and Transfer of Development Rights Program in excess of two units per acre subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 7-0-0

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

Decision: To recommend approval of a Class A Conditional, by a vote of 7-0-0

8. **ZV/Z/ABN-2021-01863, Windsor Industrial** (Control 2003-00020)

Title: a Type 2 Variance application of Shawn Chemtov, 6562 Belvedere LLC by Schmidt Nichols, Agent. Request: to allow a reduction of the width of a Type 3 Incompatibility buffer; the reduction in front setback; and, to replace a 12-foot wall loading area screening with an 8-foot hedge on 2.55 acres

Title: an Official Zoning Map Amendment application of Shawn Chemtov, 6562 Belvedere LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Community Commercial (CC) Zoning District to the Light Industrial (IL) Zoning District on 2.55 acre

Title: a Development Order Abandonment application of Shawn Chemtov, 6562 Belvedere LLC by Schmidt Nichols, Agent. Request: to abandon a Convenience Store with Gas Sales on 2.55 acres

General Location: Southwest corner of Old Belvedere Road and Jog Road

Project Manager: Imene Haddad

Size: 2.55 acres ±

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.

MOTION: To adopt a resolution approving a Type 2 Variance to allow a reduction of the width of a Type 3 Incompatibility buffer; substitute wall with Chain link fence and locate on the property line, reduction in number of palms or pines; elimination of small shrubs; reduction in front setback; and, to replace a 12-foot wall loading area screening with an 8-foot hedge, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 7-0-0

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

Decision: To adopt a resolution approving a Type 2 Variance, by a vote of 7-0-0

MOTION: To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Community Commercial (CC) Zoning District to the Light Industrial (IL) Zoning District, with Conditional Overlay Zone, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 7-0-0

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

Decision: To recommend approval of an Official Zoning Map amendment, by a vote of 7-0-0

MOTION: No motion is required. (Abandonment)

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

- 6. **DOA-2022-00814, Woods Walk Plaza** (Control 1985-00069)
Title: a Development Order Amendment application of Woods Walk Joint Venture by Insite Studio, Agent. Request: to modify the Site Plan; and, add a building and square footage on 20.41 acres
General Location: Northeast corner of Lake Worth Road and State Road 7

Project Manager: Timothy Haynes
Size: 20.41 acres ±
BCC District: 6

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

People who spoke on this application and comment cards: Timothy O'Connor in support with a condition that a third lane added to help control traffic. He also indicated that the area is being use as a drop and pick up area for students. Submitted pictures

Agent Brian Terry from Insite Studio spoke indicating that a year ago there was a proposal for a fast food restaurant with drive-through was submitted, there were concerns with traffic, and it went forward with Medical Office only, 4000 square foot, and there was discussion about adding an additional 15 foot travel lane within the center to address congestion at the traffic light.

Timothy Hynes Project Manager for Zoning Department Spoke on the Application and indicated that there are conversations regarding relocating the school drop and pick up of students during construction.

Lisa Amara spoke regarding the consequences of adding a third lane would eliminate needed parking and the difficulties of maintaining the school bus drop-off area. Suggested that the applicant should reach out to the school board district in order to address this issue.

Motion to receive file documents from the member of the public.

Motion carried by a vote of 7-0-0

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

Decision: To receive and file picture, by a vote of 7-0-0

MOTION: To recommend approval of a Development Order Amendment to modify the site plan; and, add a building and square footage subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 7-0-0

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

Decision: To recommend approval of a Development Order Amendment, by a vote of 7-0-0

B. ZONING APPLICATIONS - NEW

C. OTHER ITEMS

10. Zoning Commission Annual Election of Chair and Vice Chair

Commissioner Kern spoke to nominate Commissioner Sowards as Chair

Motion carried by a vote of 7-0-0

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

Decision: To approve Commissioner Sowards Chair, by a vote of 7-0-0

Commissioner Kern spoke to nominate Commissioner Pavlik as Vice Chair

Motion carried by a vote of 7-0-0

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

Decision: To approve of an, Commissioner Pavlik as Vice Chair, 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

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

ADJOURNMENT 9:31