



THURSDAY JULY 7, 2022
MINUTES

CALL TO ORDER

A. Roll Call 9:00 AM

Commissioner Marcelle Griffith-Burke, Chair	Present
Commissioner John Kern, Vice Chair	Present
Commissioner Cheri Pavlik	Present
Commissioner Michael Kelley	Present
Commissioner Sam Caliendo	Present
Commissioner Sheri Scarborough	Present
Commissioner Alex Brumfield	Present
Commissioner Mark Beatty	Present
Commissioner Jess Sowards	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 9-0-0

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

F. Adoption of the Minutes

Motion to approve the Minutes by a vote of 9-0-0

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

G. Swearing In

H. Amendments to the Agenda

Lisa Amara, Zoning Director, read into the record an amendment of item #1, Reserve at Atlantic, part of the Application Summary which read "and underlying" replacing it with "and High Residential". In addition, the size of the development was amended from 31.58 to 32.05 acres.

Planning Condition #2 of Exhibit C-1 was amended to 476 units from 480. A new Planning Condition, number 19 of Exhibit C-1 was added to read:

Should more than 50% of the Building Permits be issued simultaneously, then the initial Certificate of Occupancies (CO's) that are released will be attributable to the WHP obligation.

Correspondence in support of the Class A Conditional Use from Alliance of Delray was submitted.

Item #6, Palm Elite Car Wash, was revised to amend the number of ULDC Conditional Use/Development Order Standards not met from three to four.

A request for withdrawal was received for item #7, Chimu MUPD, and the item was moved from the Regular Agenda to the Consent Agenda. Conditions C-4 thru C-7 were inadvertently omitted from the Staff Report and provided.

I. Motion to adopt the Agenda

Motion to adopt the Agenda, as amended, with a vote of 9-0-0

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

J. Disclosures

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	6		6	6				

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

- 6. **ABN/CA-2021-00797** Title: a Development Order Abandonment application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to abandon a Type 2 Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non- PRA residential use; and, increase the setback from the build-to-line
Title: a Class A Conditional Use application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to allow a Car Wash
General Location: Northeast corner of South Military Trail and Vermont Avenue (**Palm Elite Car Wash**) (Control 2013-00200)

Pages 1 - 21

Conditions of Approval Pages

(7 - 8) Project Manager: James

Borsos

Size: 0.93 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the Class A Conditional Use.

People who spoke on this application:

- None
- One Comment Card was received from the public in opposition of the application.

MOTION: Applicant requests withdrawal without prejudice

Motion carried by a vote of 9-0-0

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

Board Decision: Approved applicant request to withdraw without prejudice by a vote of 9-0-0.

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

- PDD/CA-2022-00192** Title: an Official Zoning Map Amendment application of Taheri Grandchildrens Trust, Mina Property Group LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) Zoning District
Title: a Class A Conditional Use application of Taheri Grandchildrens Trust, Mina Property Group LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a General Day Care
General Location: Southeast corner of Atlantic Avenue and Half Mile Road (**Reserve at Atlantic**) (Control 2021-00058)

Pages 1 - 59

Conditions of Approval Pages (10 - 15)

Project Manager: Jerome Ottey

Size: 59.00 acres ±

BCC District: 5

(affected area 59.46 acres ±)

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

- Received Form 8B, Memorandum of Voting Conflict, from Commissioner Beatty.

MOTION: To recommend approval an Official Zoning Map Amendment from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 8-0-1

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

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

MOTION: To recommend approval of a Class A Conditional Use a to allow a General Day Care, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 8-0-1

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

Board Decision: Recommended Approval of a Class A Conditional Use as amended by a vote of 8-0-1.

- Z-2021-01551** Title: an Official Zoning Map Amendment application of Sinai Missionary Baptist Church Inc by RamosMartinez Architects, Agent. Request: to allow a rezoning from Agricultural Residential (AR) Zoning District to Residential Single Family (RS) Zoning District
General Location: North side of Lantana Road approximately 0.23 miles west of Military Trail (**Sinai Missionary Baptist Church**) (Control 2007-00427)

Pages 1 - 13

Conditions of Approval Pages (5 - 5)

Project Manager: Timothy Haynes

Size: 5.11 acres ±

BCC District: 3

People who spoke on this application:

- None
- Twenty two Comment Cards received in support received.

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 Agricultural Residential (AR) Zoning District to Residential Single Family (RS) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

Motion carried by a vote of 9-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second			Moved				
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.

3. **Z-2022-00226** Title: an Official Zoning Map Amendment application of Paradise Point Homes, LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Single Family Residential (RS) Zoning District
General Location: East side of Paradise Point Road approximately 500 feet north of Donald Ross Road (**Paradise Point**) (Control 2005-00191)

Pages 1 - 16

Conditions of Approval Pages (4 - 4)

Project Manager: James Borsos

Size: 0.86 acres ±

BCC District: 1

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 Residential Transitional (RT) 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 9-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second			Moved				
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.

4. **ZV-2021-02031** Title: a Type 2 Variance application of 6562 Belvedere Llc by Schmidt Nichols, Agent. Request: to allow a reduction in lot depth
General Location: Southwest corner of Old Belvedere Road and Jog Road (**Windsor Industrial**) (Control 2003-00020)

Pages 1 - 17

Conditions of Approval Pages (4 - 4)

Project Manager: Imene Haddad

Size: 2.55 acres ±

BCC District: 2

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 Type 2 Variance to allow a reduction in lot depth, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 9-0-0

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

Board Decision: Approved a Type 2 Variance by a vote of 9-0-0.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

- 5. **ABN-2021-01941** Title: a Development Order Abandonment - Class B concurrent application of Christ Fellowship Church Inc by Cotleur & Hearing Inc., Agent. Request: to abandon a Daycare
Title: a Development Order Abandonment application of Christ Fellowship Church Inc by Cotleur & Hearing Inc., Agent. Request: to abandon a Church (Place of Worship) including sanctuary facilities, educational building and administrative offices

General Location: Northwest corner of the intersection of Glades Road and Lyons Road .
(Christ Fellowship Boca (fka) Boca West United Meth. Church) (Control 1974-00122)

Pages 1 - 12

Project Manager: Zubida Persaud

Size: 4.21 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests.

MOTION: To adopt resolution approving a Development Order Abandonment to abandon a Daycare.

Motion carried by a vote of 9-0-0

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

Board Decision: Approved a Development Order Amendment by a vote of 9-0-0.

MOTION: No motion required. (Abandonment for Place of Worship)

END OF CONSENT AGENDA

REGULAR AGENDA**A. ITEMS PULLED FROM CONSENT****B. STATUS REPORTS****C. PREVIOUSLY POSTPONED ZONING APPLICATIONS****D. ZONING APPLICATIONS - NEW**

6. **ABN/ZV/W/DOA/CA-2021-02151** Title: a Development Order Abandonment application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to abandon a Financial Institution with drive-through
Title: a Type 2 Variance application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to reduce the width of the foundation planting (Building B)
Title: a Type 2 Waiver application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to extend hours of operation for a Fitness Center use located within 250 feet of a Residential Future Land Use designation or use
Title: a Development Order Amendment application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to modify the Site Plan and Conditions of Approval; to add uses and buildings; and, to delete square footage
Title: a Development Order Amendment application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to modify the Site Plan and delete square footage (Type 1 Restaurant with Drive-thru Building D)
Title: a Class A Conditional Use application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to allow a Type 1 Restaurant with drive-through
Title: a Class A Conditional Use application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to allow a Car Wash
Title: a Class A Conditional Use application of Chimu Inc, PreLux, LLC by Urban Design Studio, Agent. Request: to allow a Fitness Center
General Location: Northeast corner of Adonis Drive and Hypoluxo Road (**Chimu MUPD**) (Control 1994-00013)

Pages 1 - 73

Conditions of Approval Pages (14 - 22) Project Manager: Timothy Haynes

Size: 8.69 acres \pm

BCC District: 2

Staff Recommendation: Staff recommends denial of the Type 2 Variance.

Staff recommends approval of the Type 2 Waiver, subject to the Conditions of Approval as indicated in Exhibit C-2.

Staff recommends approval of the Development Order Amendment to modify the Site Plan and Conditions of Approval; to add uses and buildings; and, to delete square footage subject to the Conditions of Approval as indicated in Exhibit C-3.

Staff recommends approval of the Development Order Amendment to modify the Site Plan and delete square footage (Type 1 Restaurant with drive-through Building D) subject to the Conditions of Approval as indicated in Exhibit C-4.

Staff recommends approval of the Class A Conditional use to allow a Type 1 Restaurant with drive-through subject to the Conditions of Approval as indicated in Exhibit C-5.

Staff recommends approval of the Class A Conditional Use to allow a Car Wash, subject to the Conditions of Approval as indicated in Exhibit C-6.

Staff recommends approval of the Class A Conditional Use to allow a Fitness Center, subject to the Conditions of Approval as indicated in Exhibit C-7.

MOTION: No motion required. (Abandonment)

MOTION: To adopt a resolution denying a Type 2 Variance to reduce the width of the foundation planting (Building B).

Motion carried by a vote of 9-0-0

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

Board Decision: Approved a denial of a Type 2 Variance by a vote of 9-0-0.

MOTION: To recommend approval of a Type 2 Waiver to extend the hours of operation for a Fitness Center use located within 250 feet of 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 9-0-0

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

Board Decision: Approved a Type 2 Waiver by a vote of 9-0-0.

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

Motion carried by a vote of 9-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second			Moved				
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 the Development Order Amendment to modify the Site Plan and delete square footage (Type 1 Restaurant with drive-through Building D), subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried by a vote of 9-0-0

Sowards	Caliendo	Scarborough	Burke	Kern	Beatty	Brumfield	Kelley	Pavlik
	Second			Moved				
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 the Class A Conditional Use to allow a Type 1 Restaurant with drive-through, subject to the Conditions of Approval as indicated in Exhibit C- 5.

Motion carried by a vote of 9-0-0

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

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

MOTION: To recommend approval of the Class A Conditional Use to allow a Car Wash, subject to the Conditions of Approval as indicated in Exhibit C-6.

Motion carried by a vote of 9-0-0

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

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

MOTION: To recommend approval of the Class A Conditional Use to allow a Fitness Center, subject to the Conditions of Approval as indicated in Exhibit C-7.

Motion carried by a vote of 9-0-0

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

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 9-0-0.

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

ADJOURNMENT 9:13 AM

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, MARK STEVEN BEATTY, hereby disclose that on JULY 07, 20 22 :

(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, _____;
- 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:

MY FIRM, ARCHITECTURE GREEN LLC. RETAINED JMORTON PLANNING AND LANDSCAPE ARCHITECTURE TO PROVIDE LANDSCAPE ARCHITECTURE SERVICES.

ZONING COMMISSION PUBLIC HEARING
JULY 07 2022
AGENDA ITEM #1 PDD/CA-2022-00192

JULY, 07, 2022
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.

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