



THURSDAY FEBRUARY 3, 2022

MINUTES

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N Jog Rd, West Palm Beach, 33411**

CALL TO ORDER

- A. Roll Call 9:00 AM**
 - Commissioner John Kern, Chair Absent
 - 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 Absent
 - 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 7-0-0

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

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

Motion approved by a vote of 7-0-0

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

H. Amendments to the Agenda

Motion to move item 7 to the Postponement Agenda approved by a vote of 7-0-0.

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

I. Motion to adopt Agenda, as amended

Motion to receive and file, approved by a vote of 7-0-0

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

J. Disclosures

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
Absent	9	9	N/A	N/A	N/A	Absent	9	9

K. Conflicts/Recusal

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- ZV/SW/CA-2020-00880** Title: a Type 2 Variance application of TRG Farms, LLC by Frogner Consulting LLC, Agent. Request: to eliminate 100 feet of the Type 2 Incompatibility Buffer along the south property line, landscape islands within the off-street parking, foundation planting around Building B; and, to reduce the rear setback for Building B and the outdoor storage setback from the south property line

Title: a Subdivision Waiver application of TRG Farms, LLC by Frogner Consulting LLC, Agent. Request: to reduce the minimum legal access width

Title: a Class A Conditional Use application of TRG Farms, LLC by Frogner Consulting LLC, Agent. Request: to allow Landscape Service

General Location: Approximately 0.70 miles west of State Road 7/US 441 on the south side of Anderson Lane (**TRG Farms**) (Control 2016-00143)

Pages 1 - 2

Project Manager: Donna Adelsperger

Size: 5.11 acres ±

BCC District: 6

Staff Recommendation: Staff recommends a postponement to Thursday, March 3, 2022.

MOTION: To postpone to Thursday, March 3, 2022.

Motion carried by a vote of 7-0-0

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

Board Decision: Postponed to March 3, 2022 by a vote of 7-0-0.

- ZV/ABN/CA-2021-00797** Title: a Type 2 Variance application of Palm Elite Car Wash, Inc. by URBANA, Agent. Request: to allow the increase in an easement overlap from 5 feet to 10 feet on a 20-foot right-of-way buffer

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 3 - 4

Project Manager: James Borsos

Size: 0.93 acres ±

BCC District: 3

Staff Recommendation: Staff recommends a postponement to Thursday, March 3, 2022.

MOTION: To postpone to Thursday, March 3, 2022.

Motion carried by a vote of 7-0-0

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

Board Decision: Postponed to March 3, 2022 by a vote of 7-0-0.

3. **ZV-2020-02120** Title: a Type 2 Variance application of West Atlantic Commercial Properties, LTD by WGINC, Agent. Request: to allow for the reduction in minimum lot size.
General Location: North side of West Atlantic Avenue, approximately 0.25 miles west of South Military Trail. **(Delray Self Service Storage)** (Control 1994-00053)

Pages 5 - 6

Project Manager: Imene Haddad

Size: 4.53 acres ±

BCC District: 5

Staff Recommendation: Staff recommends a postponement to Thursday, March 3, 2022.

MOTION: To postpone to Thursday March 3, 2022.

Motion carried by a vote of 7-0-0

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

Board Decision: Postponed to March 3, 2022 by a vote of 7-0-0.

7. **ABN/DOA-2021-01030** Title: a Development Order Abandonment application of Cherry Road Storage LLC - Sanjay Patel by Schmidt Nichols, Agent. Request: to abandon Requested Uses to allow Vehicle Sales and Rental; and, General Repair and Maintenance

Title: a Development Order Amendment application of Cherry Road Storage LLC - Sanjay Patel by Schmidt Nichols, Agent. Request: to modify the Site Plan and uses; add square footage; and, modify and delete Conditions of Approvals

General Location: East of Military Trail and north side of Cherry Road **(Cherry Road Plaza MUPD)** (Control 1977-00041)

Pages 141 - 176

Conditions of Approval Pages (148 - 156)

Project Manager: Brenya Martinez

Size: 13.76 acres ±

BCC District: 2,7

(affected area 5.85 acres ±)

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

MOTION: To recommend approval of a Development Order Abandonment, to abandon Requested Uses to allow Vehicle Sales and Rental; and, General Repair and Maintenance.

Agent Requested 30 day postponement at meeting for further outreach activity.

Request to postpone to March 3, 2022 approved by a vote of 7-0-0

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

Board Decision: Postponed to March 3, 2022 by a vote of 7-0-0.

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

Request to postpone to March 3, 2022 approved by a vote of 7-0-0

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

Board Decision: Postponed to March 3, 2022 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

* Motion to pull item number 7 from the Consent Agenda and move to Postponements

Motion to move item 7 to Postponements approved by a vote of 7-0-0

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

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

4. **ZV/DOA/CA-2021-01043** Title: a Type 2 Variance application of Basm Global Real Estate Fund LLC, HSC West Palm Beach, LLC by Schmidt Nichols, Agent. Request: To allow Outdoor Display Merchandise to be stored outdoors overnight

Title: a Development Order Amendment application of Basm Global Real Estate Fund LLC, HSC West Palm Beach, LLC by Schmidt Nichols, Agent. Request: to modify the site plan and uses, add square footage and to add and delete Conditions of Approval

Title: a Class A Conditional Use application of Basm Global Real Estate Fund LLC, HSC West Palm Beach, LLC by Schmidt Nichols, Agent. Request: a Class A Conditional Use to allow a Daycare

General Location: Southeast corner of Belvedere Road and Sansburys Way. **(HSC West Palm Beach)** (Control 1999-00028)

Pages 7 - 86

Conditions of Approval Pages (15 - 31)

Project Manager: Imene Haddad

Size: 8.13 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 through C-4.

MOTION: To adopt a Resolution approving a Type 2 Variance to allow Outdoor Display Merchandise to be stored outdoors overnight, subject to Conditions of Approval in Exhibit C-1.

Motion carried by a vote of 7-0-0

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

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 7-0-0.

MOTION: To recommend approval of a Development Order Amendment (Overall MUPD) to modify the site plan and uses, add square footage and to add and delete Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2

Motion carried by a vote of 7-0-0

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

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

MOTION: To recommend approval of a Development Order Amendment (Retail Gas and Fuel with Convenience Store) to modify the site plan, add square footage, fueling positions/pumps and modify Conditions of Approval as indicated in Exhibit C-3.

Motion carried by a vote of 7-0-0

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

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

MOTION: To recommend approval of a Class A Conditional use to allow a General Daycare, subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried by a vote of 7-0-0

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

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

5. **ZV-2021-01760** Title: a Type 2 Variance application of JJ Gilbane, LLC, FLM Jupiter Gardens, LLC by Shutts and Bowen LLP, Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to eliminate a Compatibility Buffer; and, a Type 1 Incompatibility Buffer
General Location: South side of Jupiter Gardens Boulevard, approximately 320 feet west of Central Boulevard (**Jupiter Gardens Apartments**) (Control 2021-00092)

Pages 87 - 116

Conditions of Approval Pages (91 - 91)

Project Manager: James Borsos

Size: 4.65 acres ±

BCC District: 1

(affected area 0.15 acres ±)

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 eliminate a Compatibility Buffer; and, a Type 1 Incompatibility Buffer, subject to the conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 7-0-0

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

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 7-0-0.

6. **DOA-2021-01645** Title: a Development Order Amendment application of 16490 Innovation LLC by 2GHO Inc., Agent. Request: to modify the Site Plan; and, increase building square footage
General Location: South side of Innovation Drive, approximately 0.25 miles west of Bee Line Highway (**Innovation Center**) (Control 2001-00009)

Pages 117 - 140

Conditions of Approval Pages (122 - 127)

Project Manager: Jeffrey Gagnon

Size: 70.97 acres ±

BCC District: 1

(affected area 11.99 acres ±)

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

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

Motion carried by a vote of 7-0-0

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

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

8. **ABN/DOA-2021-01521** Title: a Development Order Abandonment application of Sean Dalfen, Mgr., DI Management Florida, LLC, David Saunders, Mgr., Ranch House Realty, LLC by Schmidt Nichols, Agent. Request: to abandon a Class A Conditional Use for Vehicle Sales and Rental, Light

Title: a Development Order Amendment application of Sean Dalfen, Mgr., DI Management Florida, LLC, David Saunders, Mgr., Ranch House Realty, LLC by Schmidt Nichols, Agent. Request: to modify the Site Plan; add and delete uses; add square footage; and, modify the Conditions of Approval

General Location: North and South sides of Ranch House Road East of South Congress Avenue (**CHS Properties MUPD**) (Control 1998-00089)

Pages 177 - 230

Conditions of Approval Pages (185 - 198)

Project Manager: James Borsos

Size: 27.29 acres ±

BCC District: 3

(affected area 10.51 acres ±)

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

MOTION: To recommend approval of Development Order Abandonment of a Class A Conditional Use for Vehicle Sales and Rental, Light.

Motion carried by a vote of 7-0-0

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

Board Decision: Recommended Approval of a Development Order Abandonment by a vote of 7-0-0.

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

Motion carried by a vote of 7-0-0

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

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 9. **DOA-2021-00418** Title: a Development Order Amendment application of Mattamy Palm Beach, LLC by Urban Design Studio, Agent. Request: to modify the Master Plan; add units; and, add access points

General Location: Located at the southwest corner of Lyons Road and Lantana Road, and continues south, on the east and west sides, approximately 1,900 feet north of Hypoluxo Road. **(Sherbrooke Estates PUD)** (Control 1976-00139)

Pages 231 - 338

Conditions of Approval Pages (250 - 259)

Project Manager: Imene Haddad

Size: 530.14 acres ±

BCC District: 6

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

MOTION: To recommend approval of a Development Order Amendment to modify the Master Plan; add units; and, add access points, subject to the Conditions of Approval as indicated in Exhibit C.

Motion denied by a vote of 7-0-0

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

Board Decision: Denied Approval of a Development Order Amendment by a vote of 7-0-0.

MOTION: To strike 25 copies of Comment Cards in support submitted improperly

Motion carried by a vote of 7-0-0

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

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

- 10. Title: Zoning Commission Annual Organizational Meeting and Election of Chair and Vice Chair

MOTION: To postpone to Thursday, March 3, 2022.

Motion carried by a vote of 7-0-0

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

END OF REGULAR AGENDA

COMMENTS

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

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