



CITY OF GREENACRES, FLORIDA

**OFFICIAL MINUTES
PLANNING COMMISSION**

Wednesday, January 20, 2021

1. Call to Order and Roll Call.

The Planning Commission meeting was called to order on Wednesday, January 20, 2021 at 6:00 p.m., with Vice-Chair Larry Tronco presiding. Quintella Moorer, City Clerk, called the roll.

ROLL CALL:

Commissioners Present:

Larry Tronco, Vice-Chair
Robert Clements,
Emily Robarts
Ann Edmundson
Dannette Fitzgerald, Late
Joan Hayes, Late

Public Attendance: Yes.

Press Attendance: No.

Absent:

Aieshia Charles, Alt. 1

2. Agenda Approval:

Vice-Chair Clements asked if there were any additions, deletions, or revisions to the agenda; hearing none, the agenda was approved.

3. **Approval of Minutes:** November 4, 2020 Planning Commission Meeting.

MOTION: Commissioner Edmundson made a motion to approve the Planning Commission minutes of November 8, 2020. Commissioner Robarts seconded the motion.

VOTE ON THE MOTION: **In favor:** Vice-Chair Tronco, Commissioners Clements, Edmundson, Robarts.
Motion: 4 – 0.

Commissioner Fitzgerald arrived at 6:08 p.m.

Commissioner Hayes arrived at 6:14 p.m.

4. **Cases:**

A. QUASI JUDICIAL PUBLIC HEARING SE-20-06 Res. 2021-01 Greenacres Internet Café: A request by the applicant for a special exception (SE) to allow an Indoor Recreational Amusement (Arcade) use in an existing tenant space within the Woodlake Plaza at 5831 Lake Worth Road.

Vice-Chair Tronco read the title into the record.

Senior Planner Osniel Leon explained the Quasi-judicial proceedings for all cases.

Vice-Chair Tronco asked the Commissioners if there was any Ex-parte communication with the Applicant. All stated no.

City Clerk Moorer swore in all individuals who would provide testimony.

Mr. Aaron Taylor, the Agent for the Applicant, represented the property. Mr. Taylor announced the overall site was 15.54 acres on a commercial site called Woodlake Plaza at the intersection of Lake Worth Road and 57th Avenue. The zoning designation for the site was Commercial Intensive (CI) and a future land use of Commercial (CM). The vacated retail bay at the plaza was to be converted into an internet café with indoor amusement. The proposed project was located 130 feet from a residential area, which exceeded the Code requirement. Mr. Taylor stated the project's floor plan met the minimum 50 machine requirement for indoor amusement use. The planned hours of operation were from 10 a.m. to 10 p.m. and no alcohol sale on-premises. The applicant would provide an ADA complaint bathroom, which was consistent with the Code. Mr. Taylor stated the project was compatible with the existing zoning district, City Code, and Florida State Statutes. There was no negative impact on traffic and pedestrian circulation as the project was in an existing commercial plaza.

Commissioner Edmundson asked what type of refreshments would be sold and the total occupancy number of the premise.

Mr. Taylor stated only water and soda would be sold and there should not be more than 50 individuals as there were only 50 machines on-premise.

Planner Leon presented the proposed request for Indoor Recreation Amusement use, SE-20-06. He stated the proposed use of internet café/arcade fell under the Indoor Recreation Amusement section of the City Code. The applicant did not propose exterior changes and indoor recreational amusements were allowed as a SE in CI zoning. Planner Leon stated the amusement center catered to adults and the bay was more than 100 feet from the nearest residential zoning area as established by Code. The proposed use would have no alcohol sale and late hours. The project did not create a nuisance detrimental to adjacent properties. Staff recommended approval of SE-20-06 subject to the conditions of approval in the Staff Report.

Mr. Taylor accepted the conditions in the Staff Report.

MOTION: Commissioner Edmundson made a motion to recommend approval of SE-20-06 as presented by Staff. Commissioner Fitzgerald seconded the motion.

VOTE ON THE MOTION: **In favor:** Vice-Chair Tronco, Commissioners Clements, Edmundson, Hayes, Robarts, and Fitzgerald.

Motion: 6 – 0.

B. QUASI JUDICIAL PUBLIC HEARING SE-20-04 Res. 2021-02 **Kid’s College:** A request by Thomas J. Twomey, PE., agent for Kid’s College Preschool Jog, LLC, owner for the expansion of an existing special exception (SE-20-04) to allow the addition of 2,530 square feet to a childcare center/preschool facility building. The site is located at 1091 South Jog Road.

Vice-Chair Tronco read the title into the record. He asked if the Commissioners had any Ex-parte communication with the Applicant. All stated no.

Mr. David Reyes, the Agent for the Applicant, explained SE-20-04 was a request to increase capacity for a new building.

Planner Leon stated SE-20-04 was an amendment for a SE approval for a child care facility use. The site was located at 1091 South Jog Road and was a one-story building totaling 6,396 square feet. The building was not issued a Certificate of Occupancy (CO). The amendment requested approval of a 2,530 square foot building expansion to accommodate a total of 166 children. The site plan included 51 parking spaces, two handicap spaces, and two drop-off spaces. There was an entrance and exit from Dillman Road and exit only to Jog Road. The Applicant also requested a site and development plan approval concurrent with the SE request. There were no changes to the proposed architectural elevations other than the proposed building expansion, which was consistent with the existing building. Planner Leon overviewed the buffer and landscape plans. The buffers did not meet Code, but a variance was approved due to a Lake Worth Drainage District easement along Dillman Road. SE-20-04 was compatible with the residential uses in the surrounding area and would not create an

adverse impact. In addition, the proposed use was consistent with the mixed residential and institutional uses along the South Jog Road Corridor. Staff recommended approval of SE-20-04 subject to the conditions of approval in the Staff Report.

Mr. Reyes agreed to all the conditions.

Commissioner Hayes asked if the berm on the property would be a safety issue for children.

Planner Leon stated it was a two (2) feet landscaping berm, which would not be a safety issue.

Commissioner Fitzgerald asked why the CO had not been issued.

Planner Leon explained there was a change of ownership that slowed the process.

Mr. Reyes also explained the first building was complete, but they were waiting to construct the second building in order to apply for the CO.

Commissioner Robarts asked if the proposed child care facility would be taxed as it had to apply for a City business tax receipt (BTR).

Planning, Engineering, and Building Director Kara Ferris clarified child care facilities were not taxed. The project had to apply for a BTR for the City to review if the use was allowed in the City.

MOTION: Commissioner Edmundson made a motion to recommend approval of SE-20-04 as presented by Staff. Commissioner Fitzgerald seconded the motion.

VOTE ON THE MOTION: **In favor:** Vice-Chair Tronco, Commissioners Clements, Edmundson, Hayes, Robarts, and Fitzgerald.

Motion: 6 – 0.

C. SP-13-03B Res. 2021-03 **Kid’s College:** A request by Thomas J. Twomey, PE., agent for Kid’s College Preschool Jog, LLC, owner of the site to add a 2,530 square foot building addition to the previously approved Kid’s College Greenacres Campus site plan (SP). The site is located at 1091 South Jog Road.

Vice-Chair Tronco read the title into the record.

Planner Leon stated SP-13-03B was concurrent with the SE-20-04 and was a request for an amendment to the previously approved site and development plan for a child care facility. The subject site was developed with a one-story building child care facility, which was originally approved on February 2, 2015. The building had not been issued a CO. The applicant proposed to add 2,530 square feet to the existing building for a total of 9,819 square feet, which included open canopy areas. The child capacity would accommodate 166

children. The SP included 51 parking spots and 16,685 square feet of outdoor play area. Planner Leon presented the buffer plans and stated a variance was approved for the buffer. The proposed building expansion was consistent with the existing building, project layout, and Code designs. Planner Leon presented the floor and photometric plan. Staff recommended approval of SP-13-03B subject to the conditions of approval in the Staff Report.

MOTION: Commissioner Edmundson made a motion to recommend approval of SP-13-03B as presented by Staff. Commissioner Fitzgerald seconded the motion.

VOTE ON THE MOTION: **In favor:** Vice-Chair Tronco, Commissioners Clements, Edmundson, Hayes, Robarts, and Fitzgerald.

Motion: 6 – 0.

D. QUASI JUDICIAL PUBLIC HEARING	SE-20-07 Res. 2021-04	CSL Plasma: A special exception to allow a 10,000 square foot laboratory (clinical) in a Commercial Intensive (CI) zoning district. The site is located within the Greenacres Plaza at 3961 South Jog Road.
---	----------------------------------	--

Vice-Chair Tronco read the title into the record. He asked if the Commissioners had any Ex-parte communication with the Applicant. All stated no.

Mr. William Goldsmith, Partner for Gator Greenacres Limited, represented the project. He stated he wanted to supplement the use language in the Staff Report from laboratory use approval, which was defined as clinical and testing to language specifically stated in Gator’s lease agreement with CSL Plasma. Such language was taken directly from Section 5.5 of his lease agreement. He stated the proposed language amendment would not be different from that on the Staff Report. He presented emails and floor plans for the record.

Commissioner Edmundson asked if the clients would be walk-ins or required doctor’s recommendations.

Mr. Goldsmith stated there would be both, but the majority would be recommended by doctors.

Vice-Chair Tronco asked if the plasma and blood collected in the facility would be sent out for testing.

Mr. Goldsmith stated yes, samples would be sent to a testing facility in Knoxville.

Mr. Thomas Hultgren, of Gator Investments, clarified the facility would also be used to collect plasma for donations.

Commissioner Edmundson asked if CSL Plasma was a national vendor.

Mr. Hultgren stated yes.

Mr. Goldsmith stated CSL Plasma would be a great tenant and addition to the community.

Director Ferris clarified Staff and the applicant’s language use was consistent with Code. When a project’s use was not directly spelled out in the Code, Staff applied the use that was closely related. SE-20-07’s similar category was “laboratory, clinical, and testing”. The City allowed both testing and clinical under the laboratory use category. Director Ferris also stated she contacted surrounding municipalities to research if there were any issues with CSL Plasma and how it was categorized. She was told there were no issues and one of the municipalities categorized it as a laboratory.

Director Ferris stated SE-20-07 was a request for a use approval. There were no SP amendments due to no external changes. Director Ferris presented the SP for the Greenacres Plaza located at 3961 South Jog Road. The conceptual floor plan for the project was consistent with the proposed use. The bay in the Plaza had 9,830 square feet of leasable space. Director Ferris stated SE-20-07 complied with the City’s Comprehensive Plan (Comp Plan) and with the 12 criteria for a SE. The property’s landscape met Code and the proposed laboratory use was compatible with the commercial uses of the commercial plaza. Staff recommended approval of SE-20-07 subject to the conditions of approval in the Staff Report.

The Commission asked if to postpone the case until both parties agreed on the difference of use language.

Mr. Goldsmith explained the language provided by CSL Plasma did not change or contradict the City’s language.

Director Ferris clarified the use of Code language was general in nature to grant the project a SE. She acknowledged CSL’s use and was confident the Code allowed CSL to perform their business.

Mr. Goldsmith accepted the conditions of approval.

MOTION: Commissioner Edmundson made a motion to recommend approval of SE-20-07 as presented by Staff and the information provided by CSL Plasma. Commissioner Fitzgerald seconded the motion.

VOTE ON THE MOTION: **In favor:** Vice-Chair Tronco, Commissioners Clements, Edmundson, Hayes, Robarts, and Fitzgerald.

Motion: 6 – 0.

5. Election of Chair and Vice-Chair.

Commissioner Edmundson nominated Vice-Chair Tronco as Chair.

All Commissioners agreed.

Chair Tronco accepted the nomination.

Commissioner Clements nominated Commissioner Fitzgerald as Vice-Chair.

All Commissioners agreed.

Vice-Chair Fitzgerald accepted the nomination.

6. **Discussion Items:** None.

7. **Concluding Remarks:**

Staff Update

Director Ferris introduced Mr. Edward Tombari as the new Zoning Administrator.

COVID Vaccination

Chair Tronco asked if Director Ferris had any information on COVID vaccinations.

Director Ferris stated the Palm Beach County distributed the vaccines, but she had no new information.

7. **Adjournment of Planning Commission.**

Chair Tronco adjourned the Planning Commission meeting at 7:15 p.m.

Planning Commission

Larry Tronco, Chair

Kara L. Irwin-Ferris
Director of Building, Planning, and Engineering

Quintella Moorer, CMC
City Clerk

Date of Approval: _____

/ag