PRELIMINARY MINUTES ZONING COMMISSION ZONING MEETING

THURSDAY, July 7, 2016

Room, VC-1W-47 2300 N. Jog Road, West Palm Beach FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

Commissioner, Sheri Scarborough, Chair Commissioner, Sam Caliendo, Vice Chair Commissioner Amir Kanel Commissioner Joseph Snider Commissioner William Anderson Commissioner Mark Beatty Commissioner Carmine Priore Commissioner Alex Brumfield III Commissioner Robert Currie

Absent Present Present Present Absent Present

Present

Absent

Present

B. Opening Prayer and Pledge of Allegiance

- C. Remarks of the Chair
- D. Proof of Publication Motion to receive and file carried 6-0
- E. Adoption of the Minutes Motion carried 6-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
None	Absent	7, 13	Absent	7, 13	13	Absent	14	13

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

7. DOA-2015-01470 <u>Title:</u> a Development Order Amendment application of Florida Education Properties Villages of by F.P. Dino Inc., Agent. <u>Request:</u> to reconfigure the site plan, add and delete square footage, increase the number of students for the Private School, decrease the number of children for the Day Care, and amend Conditions of Approval (Engineering).

<u>General Location</u>: Southeast corner of Hypoluxo Road and Lyons Road. **(Villages of Windsor SE Civic)** (Control 1996-00081)

Pages 152 - 211 Conditions of Approval Pages (162 - 178) Project Manager: Joyce Lawrence Size: 543.60 acres + (affected area 12.12 acres +)

BCC District: 3

Staff Recommendation: Staff recommends postponement to Thursday, September 1, 2016.

MOTION: To postpone to Thursday, September 1, 2016.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
		Moved					Seconded	

Decision: Postponed to September 1, 2016 with a vote of 6-0.

B. REMANDS

C. WITHDRAWALS

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

 Z/CA-2015-02534 <u>Title</u>: an Official Zoning Map Amendment application of Law Firm of Shutts and Bowen LLP by Shutts and Bowen LLP, Agent. <u>Request</u>: to allow a rezoning from the Residential High Density (RH) Zoning District to the General Commercial (CG) Zoning District. <u>Title</u>: a Class A Conditional Use application of Law Firm of Shutts and Bowen LLP by Shutts and Bowen LLP, Agent. <u>Request</u>: to allow a Convenience Store with Gas Sales.

<u>General Location:</u> Southeast corner of Okeechobee Boulevard and Seminole Boulevard. **(Cumberland Farms Westgate)** (Control 2012-00374)

Pages 1 - 31 Conditions of Approval Pages (9 - 12) Project Manager: Carlos Torres Size: 2.65 acres +

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1, and 15 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Harvey Oyer, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) Zoning District to the General Commercial (CG) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
					Seconded		Moved	

MOTION: To recommend approval for a Class A Conditional Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
		Seconded					Moved	

<u>DECISION: Recommended approval of an Official Zoning Map Amendment and a Class</u> <u>A Conditional Use with votes of 6-0.</u> 2. ZV/DOA/R-2015-01223 <u>Title:</u> a Type II Variance application of Colors Flying by Land Research Management Inc., Agent. <u>Request</u>: to allow a 100% utility easement overlap into existing perimeter buffers and Right of Way landscape buffers surrounding the site. <u>Title:</u> Development Order Amendment application of Colors Flying by Land Research Management Inc., Agent. <u>Request:</u> to reconfigure the site plan, amend Conditions of Approval (Engineering, Airports), and add a Requested Use. <u>Title:</u> a Request: to allow an Indoor Entertainment Use.

<u>General Location:</u> Southeast corner of Cherry Road and Military Trail. (Palm Beach Commons) (Control 1975-00164)

Pages 32 - 59 Conditions of Approval Pages (40 - 44) Project Manager: Carrie Rechenmacher Size: 6.60 acres

BCC District: 7

<u>Staff Recommendation:</u> Staff recommends approval of the requests, subject to 8 Conditions of Approval as indicated in Exhibit C-1; 11 Conditions of Approval as indicated in Exhibit C-2, and 5 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application

Kevin McGinley, Agent – in agreement with the Conditions of Approval

MOTION: To adopt a resolution approving Type II Variances to allow a 100% utility easement overlap into existing perimeter buffers and Right of Way landscape buffers surrounding the site subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
		Moved			Seconded			

MOTION: To recommend approval for a Development Order Amendment to reconfigure the site plan, amend Conditions of Approval (Engineering, Airports), and add a Requested Use subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
		Moved			Seconded			

MOTION: To recommend approval for a Requested Use to allow Indoor Entertainment subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
		Moved			Seconded			

<u>Decision: Approved a Type II Variance and recommended approval of a Development</u> <u>Order Amendment and a Requested Use with votes of 6-0.</u>

3. Z-2016-00432 <u>Title:</u> an Official Zoning Map Amendment application of Pasquale Montesano by Land Research Management Inc., Agent. <u>Request:</u> to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District.

<u>General Location:</u> Approximately 0.71 miles north of Donald Ross Road on the east side of Palmwood Road. (Palmwood Rezoning) (Control 2016-00006)

Pages 60 - 73 Conditions of Approval Pages (64 - 65) Project Manager: Diego Penaloza Size: 0.49 acres +

BCC District: 1

<u>Staff Recommendation</u>: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Kevin McGinley, Agent- in agreement with the Conditions of Approval

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

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
		Moved			Seconded			

<u>Decision: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.</u>

4. Z/W-2016-00094 <u>Title</u>: an Official Zoning Map Amendment application of Trico Investments -Michael Rolfes by Jon E Schmidt & Associates, Agent. <u>Request</u>: to allow a rezoning from the General Commercial (CG) Zoning District to the Urban Infill (UI) Zoning District. <u>Title</u>: a Type II Waiver application of Trico Investments - Michael Rolfes by Jon E Schmidt & Associates, Agent. <u>Request</u>: to reduce the setback for outdoor uses from a non-Priority Redevelopment Area (PRA) residential use; to allow a shorter side of the building fronting on a street; to increase the building placement along a primary frontage; to reduce the percentage of building frontage and to eliminate the requirement for Civic and usable open space.

<u>General Location:</u> West side of Military Trail south of Kelly Drive. (Matthews Mini Storage) (Control 1986-00062)

Pages 74 - 104 Conditions of Approval Pages (80 - 81) Project Manager: Carlos Torres Size: 3.94 acres +

BCC District: 2

<u>Staff Recommendation</u>: Staff recommends approval of the request subject to 1 Condition of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Damian Brink, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval for an Official Zoning Map Amendment to allow rezoning from the General Commercial (CG) Zoning District to the Urban Infill (UI) Zoning District subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
Seconded		Moved						

MOTION: To recommend approval for a Type II Waiver to allow a reduction in setback from any abutting non-PRA residential use; to allow requirement of longest side of building facing the street, to requirement of building frontage; to increase the building placement for primary frontage and to eliminate the requirement for Civic and usable open space subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
Seconded		Moved						

<u>Decision: Recommended approval of an Official Zoning Map Amendment and a Type II</u> <u>Waiver with votes of 6-0.</u>

5. DOA-2015-01033 <u>Title:</u> a Development Order Amendment application of Autonation Imports of Palm Beach Inc by Mark Brenchley Planning Consultants, Agent. <u>Request:</u> to modify Conditions of Approval (Signage).

<u>General Location</u>: On the south side of Okeechobee Boulevard; east of North Jog Road. **(Lexus of Palm Beach)** (Control 1975-00072)

Pages 105 - 126 Conditions of Approval Pages (109 - 113) Project Manager: Osniel Leon Size: 18.22 acres +

BCC District: 2

<u>Staff Recommendation</u>: Staff recommends approval of the request subject to 25 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Mark Brenchley, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval for the Development Order Amendment to modify Conditions of Approval (Signage) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
		Seconded			Moved			

<u>Decision: Recommended approval of a Development Order Amendment with a vote of 6-</u> <u>0.</u>

 Z/CA-2015-01230 <u>Title:</u> an Official Zoning Map Amendment application of SCI Funeral Homes of Florida Inc by Arc Development Global LLC, Agent. <u>Request:</u> to allow a rezoning from the Residential Estate (RE) Zoning District to the Institutional and Public Facility (IPF) Zoning District.

<u>Title:</u> a Class A Conditional Use application of SCI Funeral Homes of Florida Inc by Arc Development Global LLC, Agent. <u>Request:</u> to allow a Cemetery.

<u>General Location:</u> Northlake Boulevard west side of Memorial Road. (SCI Funeral Services of Florida) (Control 1981-00205)

Pages 127 - 151 Conditions of Approval Pages (133 - 135) Project Manager: Osniel Leon Size: 30.00 acres +

BCC District: 1

<u>Staff Recommendation</u>: Staff recommends approval of the requests subject to a Conditional Overlay Zone and 5 Conditions of Approval as indicated in Exhibit C-1, and 12 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Aaron Taylor, Agent – in agreement with the Conditions of Approval

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Residential Estate (RE) Zoning District to the Institutional and Public Facility (IPF) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
Seconded							Moved	

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

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
Seconded							Moved	

<u>Decision: Recommended approval of an Official Zoning Map Amendment and a Class A</u> <u>Conditional Use with votes of 6-0</u>

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS – NEW

8. Z-2016-00336 <u>Title:</u> an Official Zoning Map Amendment application of Palm Beach County by Planning Zoning & Building, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District.

<u>General Location</u>: Northeast corner of Lyons Road and Atlantic Avenue. **(Fina Service Station)** (Control 1977-00147)

Pages 212 - 220 Conditions of Approval Pages (216 - 216) Project Manager: Osniel Leon Size: 1.50 acres +

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the request subject to 1 Condition of Approval as indicated in Exhibit C.

People who spoke on this application

Roger Ramdeen, Senior Site Planner – gave a brief presentation

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District subject to the Condition of Approval as indicated in Exhibit C.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Recused	Yes
		Moved			Seconded			

Decision: Recommended approval of an Official Zoning Map Amendment with a vote of <u>6-0.</u>

Z-2016-00337 Title: an Official Zoning Map Amendment application of Palm Beach County by Planning Zoning & Building, Agent. Request: to allow a rezoning form the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District. General Location: Approximately 1,900 ft east of State Road 7 on the south side of Boynton Beach Boulevard. (PF at West Boynton) (Control 1978-00098)

Pages 221 - 229 Conditions of Approval Pages (225 - 225) Project Manager: Osniel Leon Size: 4.57 acres +

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the request subject to 1 Condition of Approval as indicated in Exhibit C.

People who spoke on this application

Roger Ramdeen, Senior Site Planner – gave a brief presentation

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District subject to the Condition of Approval as indicated in Exhibit C

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Recused	Yes
		Moved			Seconded			

<u>Decision: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.</u>

10. Z-2016-00338 Title: an Official Zoning Map Amendment application of Palm Beach County BCC by Planning Zoning & Building, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District. General Location: South side of Boynton Beach Boulevard, approximately 950 feet east of State Road 7. (Three Amigos) (Control 2014-00152)

Pages 230 - 238 Conditions of Approval Pages (234 - 234) Project Manager: Osniel Leon Size: 1.00 acres +

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the request subject to 1 Condition of Approval as indicated in Exhibit C.

People who spoke on this application

Roger Ramdeen, Senior Site Planner – gave a brief presentation

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District subject to the Condition of Approval as indicated in Exhibit C.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Recused	Yes
		Moved			Seconded			

<u>Decision: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.</u>

 Z-2016-00335 Title: an Official Zoning Map Amendment application of Palm Beach County BCC by Planning Zoning & Building, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District. General Location: North side of Atlantic Avenue, approximately 250 ft east of Lyons Road. (Dells Suburban Market) (Control 1980-00039)

Pages 239 - 247 Conditions of Approval Pages (243 - 243) Project Manager: Osniel Leon Size: 1.69 acres +

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the request subject to 1 Condition of Approval as indicated in Exhibit C.

People who spoke on this application

Roger Ramdeen, Senior Site Planner – gave a brief presentation

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District subject to the Condition of Approval as indicated in Exhibit C

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Recused	Yes
		Moved			Seconded			

<u>DECISION: Recommended approval of an Official Zoning Map Amendment with a vote</u> of 6-0.

12. ZV/ABN/PDD/R-2015-02512 Title: a Type II Variance application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to allow an increase in the number of freestanding buildings and to eliminate foundation plantings. Title: a Development Order Abandonment application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to abandon Resolutions R-2005-1625 and R-2007-232 that allowed a General Daycare, Single Tenants exceeding 25,000 square feet (sq. ft.), and three Type I Restaurants. Title: an Official Zoning Map Amendment application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to allow a rezoning from the Traditional Market Place Development (TMD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer adjacent to Pod B (Civic Pod). Title: a Request: to allow a General Daycare; a Type I Restaurant; and two Type II Restaurants.

General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road. (Canyon Town Center MUPD) (Control 2004-00471)

Pages 248 - 299 Conditions of Approval Pages (258 - 268) Project Manager: Osniel Leon Size: 125.82 acres +

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; 65 Conditions of Approval as indicated in Exhibit C-2; and 10 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application

Roger Ramdeen, Senior Site Planner – gave a brief presentation Kevin Ratterree, Agent – gave a brief presentation

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in the number of freestanding buildings and to eliminate foundation plantings subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Recused	Absent	Yes	Yes	Absent	Yes	Yes
					Moved		Seconded	

MOTION: To recommend approval for the Development Order Abandonment to abandon Resolutions R-2005-1625 and R-2007-232 that allowed a General Daycare, Single Tenants exceeding 25,000 square feet (sq. ft.), and three Type I Restaurants.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Recused	Absent	Yes	Yes	Absent	Yes	Yes
					Moved		Seconded	

MOTION: To recommend approval for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Traditional Market Place Development (TMD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer adjacent to Pod B (Civic Pod) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Recused	Absent	Yes	Yes	Absent	Yes	Yes
					Moved		Seconded	

MOTION: To recommend approval for Requested Uses to allow a General Daycare; a Type I Restaurant; and two Type II Restaurants subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Recused	Absent	Yes	Yes	Absent	Yes	Yes
					Moved		Seconded	

<u>DECISION: Approved a Type II Variance and Recommended approval for a Development</u> <u>Order Abandonment, an Official Zoning Map Amendment, and four Requested Uses with</u> <u>votes of 5-0-1.</u>

13. ZV/PDD-2015-01040 Title: a Type II Variance application of Meloche Rick J Trust & by Wantman Group Inc., Agent. Request: to allow additional hours of operation for a use within 250 feet of a residential district; to delete foundation planting; to delete terminal islands and associated landscape material, to reduce side setback adjacent to a residential district, and to allow shell rock instead of asphalt paving. Title: an Offical Zoning Map Amendment to a Planned Development District application of Meloche Rick J Trust & by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR), Residential Single Family (RS) and Residential Transitional Urban (RTU) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

General Location: Approximately 180 feet west of the Haverhill Road on the north side of Lantana Road. (Able Lawnmower Sales and Service) (Control 1982-00053)

Pages 300 - 347 Conditions of Approval Pages (312 - 316) Project Manager: Carrie Rechenmacher Size: 20.24 acres +

BCC District: 2

<u>Staff Recommendation</u>: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C-1 and 28 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Carrie Rechenmacher, Senior Site Planner – gave a presentation Marty Perry, Agent – gave a presentation

From the public and speaking in opposition, Seth Behn from the firm of Lewis, Longman, and Walker cited concerns that parking spaces were being paved over and the loss of vegetation. He also stated that the variances are for convenience and cost-savings and that there was no hardship in this case that justified the variances. Mr. Behn submitted a document to the Zoning Commission containing an aerial of the subject property.

MOTION: To adopt a resolution approving Type II Variances to allow an increase in hours of operation for a use within 250 feet of a residential district; to delete foundation planting; to delete terminal islands and associated landscape material, to reduce side setback adjacent to a residential district, and to allow shell rock instead of asphalt paving subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Recused	Yes
Seconded					Moved			

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR), Residential Single Family (RS) and Residential Transitional Urban (RTU) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Recused	Yes
Seconded					Moved			

<u>DECISION: Approved a Type II Variance and Recommended approval of an Official</u> <u>Zoning Map Amendment with votes of 5-0-1.</u>

14. **ZV/DOA-2016-00440** Title: a Type II Variance application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the number of parking spaces; to eliminate interior trees and shrubs; to eliminate the Type III Incompatibility buffer along the north property line and associated wall and plant material and, to allow a 6-foot high chain link fence in place of a wall within the Type III Incompatibility buffer along the south property line; to eliminate terminal and interior islands, and divider medians in all parking areas, except the visitor parking area. Title: a Development Order Amendment application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to reconfigure site plan, and delete Conditions of Approval (Alternative Landscape Plan, and Engineering).

General Location: Approximately 0.5 miles south of Gateway Boulevard on the west side of Military Trail. (Florida Power and Light Company-Boynton Beach Service Center) (Control 1979-00191)

Pages 348 - 425 Conditions of Approval Pages (360 - 367) Project Manager: Donna Adelsperger Size: 17.12 acres + (affected area 8.70 acres +)

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the Type II Variances V1-V4, subject to 10 Conditions of Approval as indicated in Exhibit C-1 and approval of the Development Order Amendment subject to 14 Conditions of Approval as indicated in Exhibit C-3.

Staff recommends denial of Type II Variances V5-V7.

People who spoke on this application

Roger Ramdeen, Senior Site Planner – gave a presentation Joni Brinkman, Agent – gave a presentation

Zoning Commissioners Kanel and Priore each announced that they would be abstaining from voting on this application, which resulted in a loss of quorum.

MOTION: To continue this application to Thursday, August 4, 2016.

Motion carried 6-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
Yes	Absent	Yes	Absent	Yes	Yes	Absent	Yes	Yes
							Moved	Seconded

DECISION: Continued to August 4, 2016 with a vote of 6-0.

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

COMMENTS

A. COUNTY ATTORNEY

Chief Land Use County Attorney Bob Banks announced that any Zoning Commissioner that felt they may have a possible conflict with any upcoming application should contact the County Attorney's Office to confirm if there is a need to abstain from voting.

B. ZONING DIRECTOR

- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. COMMISSIONER COMMENTS

ADJOURNMENT – 10:34 a.m.

	M OF VOTING CONFLICT FOR OTHER LOCAL PUBLIC OFFICERS
ST NAME-FIRST NAME-MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE

BEATTY MARK STEVEN		PALM BEACH COUNTY ZONINGCOMMISSION
MAILING ADDRESS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON
2461 PALM HARBOR DRIVE		WHICH I SERVE IS A UNIT OF:
2401 PALM HARBOR DRIVE		COUNTY OTHER LOCAL AGENCY
CITY	COUNTY	
		NAME OF POLITICAL SUBDIVISION:
PALM BEACH GARDENS, FLORIDA	PALM BEACH	
DATE ON WHICH VOTE OCCURRED		
		MY POSITION IS:
ABSTAINED FROM VOTING - 7/7/2016		ELECTIVE APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

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In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

• You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)	
A copy of the form must be provided immediately to the other member	rs of the agency.
The form must be read publicly at the next meeting after the form is fit	led.
IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEP	T BY DISCUSSION AT THE MEETING:
You must disclose orally the nature of your conflict in the measure bet	fore participating.
 You must complete the form and file it within 15 days after the vote of meeting, who must incorporate the form in the minutes. A copy of the agency, and the form must be read publicly at the next meeting after the 	form must be provided immediately to the other members of the
DISCLOSURE OF LOCAL	OFFICER'S INTEREST
I,MARK STEVEN BEATTY, hereby disclose th	at on _July, 7, 20 <u>16</u> ;
(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 PALM BEACH COUNTY, FLOP	RIDA, which
is the parent organization or subsidiary of a principal which has re	tained me.
(b) The measure before my agency and the nature of my conflicting inter	est in the measure is as follows:
MY ARCHITECTURAL FIRM HAS A CONTINUIN FACILITIES OPERATION AND DEVELOPMENT.	G CONTRACT WITH PALM BEACH COUNTY
Agenda July,7, 2016	
Items #8, 9, 10, 11	
T/T/16 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.

CE FORM 8B - EFF. 1/2000

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME-FIRST NA	ME-MIDDLE NAME	NAME OF BOAF	RD, COUNCIL, COMMISSIO	ON, AUTHORITY, OR COMMITTEE	
ANDERSON, WILLIAM, F		ZONING COMMISS	IION		
MAILING ADDRESS		THE BOARD, CO	OUNCIL, COMMISSION, AL	UTHORITY OR COMMITTEE ON	
7630 ARDWICK DRIVE		WHICH I SERVE	IS A UNIT OF:	·	
CITY	COUNTY		COUNTY	OTHER LOCAL AGENCY	
LAKE WORTH	PALM BEACH	NAME OF POLIT	TICAL SUBDIVISION:		
DATE ON WHICH VOTE	OCCURRED	MY DOSITION IS	NV POSITION IS.		
7/7/2016		MY POSITION IS	MY POSITION IS:		

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

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In addition to abstaining from voting in the situations described above, you must disclose the conflict:

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PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

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WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

*

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the
minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

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, WILLIAM ANDERSON, hereby disclose that on _JULY 7TH, 20 16 :				
 (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, ERIC KLAUSMEYER; inured to the special gain or loss of, by whom I am retained; or, 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 nephew Eric Klausmeyer works for GL Homes. Agender Jan #JZ 2V/ABN /POD/JZ-2015-025/Z. 				
7-7-26/6 Date Filed 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.

CE FORM 8B - EFF. 1/2000

PAGE 2

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE		ON, AUTHORITY, OR COMMITTEE
MARK STEVEN		UNTY ZONINGCOMMISSI	ON
			JTHORITY OR COMMITTEE ON
	WHICH I SERVE	IS A UNIT OF:	
		COUNTY	OTHER LOCAL AGENCY
COUNTY			Domen Ebooke Abeliton
PALM BEACH	NAME OF POLIT	TICAL SUBDIVISION:	
	MY POSITION IS		
		ELECTIVE	
		COUNTY PALM BEACH COUNTY PALM BEACH	COUNTY COUNTY ZONINGCOMMISSI THE BOARD, COUNCIL, COMMISSION, AU WHICH I SERVE IS A UNIT OF: COUNTY NAME OF POLITICAL SUBDIVISION:

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

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In addition to abstaining from voting in the situations described above, you must disclose the conflict:

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PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

. APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

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APPOINTED OFFICERS (continued	RS (continu	S (continued	OFFICER	ED	DINT	APP	1
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· 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.

DIS	CLOSURE OF LOCAL O	FFICER'S INTEREST	
I,MARK STEVEN BEATTY	, hereby disclose that	on_July, 7, 20) <u>16</u> :
(a) A measure came or will come before	my agency which (check one)		
inured to my special private gain of	or loss;		
inured to the special gain or loss of	of my business associate,		;
inured to the special gain or loss of	of my relative,		;
inured to the special gain or loss of	of		, by
whom I am retained; or			
inured to the special gain or loss of	of THE WANTMAN GROUP INC.		_, which
is the parent organization or subs	idiary of a principal which has reta	ined me.	
(b) The measure before my agency and	the nature of my conflicting interes	t in the measure is as follows:	
BRIDGE DESIGN. MY FIR	M, ARCHITECTURE GRE	RUCTURAL ENGINEERING FIRM OF EN LLC. HAD PROFESSIONAL SERVICE RSA. THESE CONTRACTS HAVE BEEN	
Items #13, ZV/PDD-2015-0	1040		
Date Filed		Signature	
		1	
NOTICE: UNDER PROVISIONS OF	FLORIDA STATUTES §112.31	7. A FAILURE TO MAKE ANY REQUIRED DISCL	OSURE

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.

CE FORM 8B - EFF. 1/2000