**Board of County Commissioners** 

**County Administrator** 

Verdenia C. Baker



Department of Planning, Zoning & Building

2300 N. Jog Road West Palm Beach, FL 33411 Phone: 561-233-5200 Fax: 561-233-5165

# PALM BEACH COUNTY ZONING COMMISSION

# THURSDAY FEBRUARY 7, 2019 MINUTES

# CALL TO ORDER

A. Roll Call- 9:04 A.M.

Commissioner Mark Beatty, Chair	Present
Commissioner Amir Kanel	Present
Commissioner Marcelle Griffith Burke	Present
Commissioner Sam Caliendo	Present
Commissioner Sheri Scarborough	Present
Commissioner John Kern	Present
Commissioner Robert Currie	Present

- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication

## Motion to receive and file 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie					
			Second	Moved							
Yes	Yes	Yes	Yes	Yes	Yes	Yes					

# F. Adoption of the Minutes

#### Motion to receive and file 7-0

		,				
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

- G. Swearing In
- H. Disclosures

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
7,9 Recused: 6,9	6,9	9	9	3,7	6,9	9

\*Commission Chair Mark Beatty Recused himself from ZV/DOA-2017-02426 RaceTrac Market and SV/ABN/PDD/W-2018-00345

# POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

- A. POSTPONEMENTS
- 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

1. <u>CA-2018-01520</u> <u>Title:</u> a Class A Conditional Use application of Catherine Bonilla, Richard Bonilla by Land Research Management Inc., Agent. <u>Request:</u> to allow Limited Pet Boarding accessory to a Single-Family residence.

<u>General Location:</u> Northeast corner of 75th Street North and Coconut Boulevard. **(Bonilla Limited Pet Boarding)** (Control 2018-00039)

Pages 1 - 19 Conditions of Approval Pages (6 - 7) Project Manager: Lorraine Fuster Size: 1.37 acres <u>+</u>

BCC District: 6

<u>Staff Recommendation</u>: Staff recommends approval of the request, subject to 9 Conditions of Approval as indicated in Exhibit C.

#### People who spoke on this application

Kevin McGinley, Agent- In agreement with Conditions of Approval as amended and staff recommendations.

**MOTION**: To recommend approval of a Class A Conditional Use to allow a Limited Pet Boarding accessory to Single-Family residence subject to the Conditions of Approval as indicated in Exhibit C as amended.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

# D. ZONING APPLICATIONS – NEW

2. <u>ZV/PDD-2018-00138</u> <u>Title:</u> a Type 2 Variance Concurrent application of Amicus Realty Holdings LLC by Arc Development Global LLC, Agent. <u>Request:</u> to reduce minimum lot size; eliminate requirement for frontage and access; eliminate a portion of the Right of Way (R-O-W) Buffer; reduce width of a Type 3 Incompatibility Buffer; eliminate the wall within a Type 3 Incompatibility Buffer; allow a wall to be located at the property line; and, allow 100% of Landscape Buffer vegetation to be on the interior of a wall.

<u>Title:</u> an Official Zoning Map Amendment application of Amicus Realty Holdings LLC by Arc Development Global LLC, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

<u>General Location</u>: Southeast of the intersection of Hagen Ranch Road and Venture Center Way. (Amicus Medical Center) (Control 2000-00030)

Pages 20 - 70 Conditions of Approval Pages (31 - 33) Project Manager: Diego Penaloza Size: 1.50 acres <u>+</u>

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, and 7 Conditions of Approval as indicated in Exhibit C-2.

# People who spoke on this application

Aaron Taylor, Agent- In agreement with Conditions of Approval and staff recommendations.

**MOTION**: To adopt a resolution approving a Type 2 Variance to reduce minimum lot size; eliminate requirement for frontage and access; eliminate a portion of the Right of Way (R-O-W) Buffer; reduce width of a Type 3 Incompatibility Buffer; eliminate the wall within a Type 3 Incompatibility Buffer; allow a wall to be located at the property line; and, allow 100 percent of Landscape Buffer vegetation to be on the interior of a wall subject to the Conditions of Approval as indicated in Exhibit C-1.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes
 warrad a Tru	na 2 Variana		40 04 7 0 0	1 1		

# Approved a Type 2 Variance by a vote of 7-0-0.

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development District (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

#### Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.

 <u>ZV/ABN/DOA-2018-01725</u> <u>Title:</u> a Type 2 Variance application of Glades 95th Owner, LLC by Dunay Miskel and Backman LLP, Agent. <u>Request:</u> to reduce Front Setback and eliminate Foundation Planting.

<u>Title:</u> a Development Order Abandonment application of Glades 95th Owner, LLC by Dunay Miskel and Backman LLP, Agent. <u>Request:</u> to abandon a Requested Use to allow a Type 1 Restaurant with a Drive-Through (Building C-6).

<u>Title:</u> a Development Order Amendment application of Glades 95th Owner, LLC by Dunay Miskel and Backman LLP, Agent. <u>Request:</u> to reconfigure the Site Plan; add square footage; add and delete uses; and, modify Conditions of Approval (Architecture and Planning).

<u>General Location:</u> Southwest corner of Glades Road and 95th Avenue, approximately 1,500 feet east of State Road. **(Johns Glades West MXPD)** (Control 2004-00459)

Pages 71 - 121 Conditions of Approval Pages (80 - 92) Project Manager: Carlos Torres Size: 37.99 acres <u>+</u>

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, 34 Conditions of Approval as indicated in Exhibit C-2, 5 Conditions of Approval as indicated in Exhibit C-3 and 5 Conditions of Approval as indicated in Exhibit C-4.

#### People who spoke on this application

Scott Backman, Agent- In agreement with Conditions of Approval and staff recommendations.

**MOTION**: To adopt a resolution approving a Type 2 Variance to reduce Front Setback and eliminate Foundation Planting subject to the Conditions of approval as indicated on Exhibit C-1.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Approved a Type 2 Variance (with Conditions) by a vote of 7-0-0.

**MOTION**: To recommend approval of a Development Order Abandonment to abandon a Requested Use to allow a Type 1 Restaurant with a Drive-Through (Building C-6).

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes
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#### Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add square footage; add and delete uses; and, modify Conditions of Approval (Architecture and Planning), subject to the Conditions of Approval as indicated in Exhibit C-2 (Mixed Use Planned Development).

#### Motion carried 7-0

0		0					
	Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
				Second	Moved		
	Yes	Yes	Yes	Yes	Yes	Yes	Yes

# Recommended Approval of a Development Order Amendment by a vote of 7-0-0.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to modify Conditions of Approval (Architecture and Planning), subject to the Conditions of Approval as indicated in Exhibit C-3. (Type 1 Restaurant with Drive Through, Building C-7).

# Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to add square footage and, to modify Conditions of Approval (Architecture and Planning) subject to the Conditions of Approval as indicated in Exhibit C-4 (Indoor Theater, Building C-3).

Motion carried 7-0

	Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
				Second	Moved		
_	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

4. <u>ABN/ZV/PDD/CA-2018-01172</u> <u>Title:</u> a Development Order Abandonment application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. <u>Request:</u> to abandon a Class B Conditional Use for Retail Gas and Fuel Sales.

<u>Title:</u> a Type 2 Variance application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. <u>Request:</u> to allow a reduction of an Incompatibility Buffer width; and, to allow a reduction of parking spaces.

<u>Title:</u> an Official Zoning Map Amendment application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. <u>Request:</u> to allow a rezoning from the Light Industrial (IL) Zoning District to the Planned Unit Development (PUD) Zoning District.

<u>Title:</u> a Class A Conditional Use application of AHS Development Group, LLC, Florida Public Utilities Company by Schmidt Nichols, Agent. <u>Request:</u> to allow a Transfer of Development Rights to a planned development; and, to allow Workforce Housing Program Density Bonus greater than 30 percent.

<u>General Location:</u> Southwest corner of Belvedere Road and Cleary Road. (Banyan Ridge Planned Unit Development) (Control 2009-02465)

Pages 122 - 197 Conditions of Approval Pages (132 -137) Project Manager: Carolina Valera Size: 10.41 acres +

#### BCC District: 2

Kern

Yes

Currie

Yes

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1, 17 Conditions of Approval as indicated in Exhibit C-2, 6 Conditions of Approval as indicated in Exhibit C-3, and 4 Conditions of Approval as indicated in Exhibit C-4.

#### People who spoke on this application

Josh Nichols, Agent- In agreement with Conditions of Approval and staff recommendations.

**MOTION**: To adopt a resolution approving a Type 2 Variance to allow a reduction of an Incompatibility Landscape Buffer width; and, to allow a reduction of parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1.

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	Beatty	Kanel	Burke	Caliendo	Scarborough
				Second	Moved

Yes

#### Motion carried 7-0

Yes

# Approved of a Type 2 Variance by a vote of 7-0-0.

Yes

**MOTION**: To adopt a resolution approving a Development Order Abandonment to abandon a Class B Conditional Use for Retail Gas and Fuel Sales.

Yes

Motion carried 7-0

101		0					
	Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
				Second	Moved		

Yes

Yes Ye	Yes Yes Yes	Yes	Yes Yes
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## Approved a Development Order Abandonment by a vote of 7-0-0.

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

#### Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

#### Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.

**MOTION**: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights to a planned development subject to the Conditions of Approval as indicated in Exhibit C-3. MOTION: To recommend approval of a Class A Conditional Use to allow Workforce Housing Program Density Bonus greater than 30 percent subject to the Conditions of Approval as indicated in Exhibit C-4.

#### Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

 <u>DOA/CA-2017-02447</u> <u>Title:</u> a Development Order Amendment application of RG Towers, LLC, Westchester Golf and Country Club Assoc. by RG Towers LLC, Agent. <u>Request:</u> to modify the Master Plan to add a use.

<u>Title:</u> a Class A Conditional Use application of RG Towers, LLC, Westchester Golf and Country Club Assoc. by RG Towers LLC, Agent. <u>Request:</u> to allow a Stealth Commercial Communication Tower.

<u>General Location</u>: Southwest corner of Piper's Glen Boulevard and Lake Worth Drainage District E-3 canal, approximately 0.5 miles west of South Military Trail. **(RG Towers Westchester Club East)** (Control 1980-00212)

Pages 198 - 230 Conditions of Approval Pages (203 - 216) Project Manager: Lorraine Fuster Size: 645.19 acres <u>+</u> (affected area 0.15 acres <u>+</u>)

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the request, subject to 76 Conditions of Approval as indicated in Exhibit C-1; and, 5 Conditions of Approval as indicated in Exhibit C-2.

### People who spoke on this application

Holly Valdez and Brian Seymour, Agent- In agreement with Conditions of Approval and staff recommendations. Many members of the public spoke in opposition to the request with 6 cards submitted.

**MOTION**: To recommend approval of a Development Order Amendment to modify the Master Plan to add a use subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

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 Stealth Commercial Communication Tower subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

#### D. ZONING APPLICATIONS - NEW

 <u>ZV/DOA-2017-0242S</u> <u>Title:</u> a Type II Variance application of Racetrac Petroleum Inc by WGINC, Agent. <u>Request:</u> to allow a 24-hour operation within 250 feet of a residential Future Land Use designation or Use.

<u>Title:</u> a Development Order Amendment application of Racetrac Petroleum Inc by WGINC, Agent. <u>Request:</u> to reconfigure the Site Plan; add building square footage and pump/fueling position; and, modify Conditions of Approval (Engineering, Landscape and Site Design).

<u>General Location</u>: Northwest corner of Haverhill Road and Lantana Road. (RaceTrac Market) (Control 2012-00253)

Pages 231 - 274 Conditions of Approval Pages (238 - 243) Project Manager: Carlos Torres Size: 1.71 acres +

BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; and, 19 Conditions of Approval as indicated in Exhibit C-2.

#### People who spoke on this application

Jennifer Vail, Agent- In agreement with Conditions of Approval and staff recommendations. Many members of the public spoke in opposition to the request with 7 cards submitted.

**MOTION**: To adopt a resolution approving a Type II Variance to allow a 24-hour operation within 250 feet of a residential Future Land Use designation or Use subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/DOA-2017-02426 RaceTrac Market Denied a Type 2 Variance by a vote of 6-0-1.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add building square footage and pump/fueling position; and, modify Conditions of Approval (Engineering, Landscape and Site Design) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0-1.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/DOA-2017-02426 RaceTrac Market Recommended Denial of a Development Order Amendment by a vote of 6-0-1. 8. <u>ZV/PDD/W-2018-00798</u> <u>Title:</u> a Type 2 Variance application of Palm Beach West Associates I LLLP by G.L. Homes, Agent. <u>Request:</u> to eliminate a Type 2 Incompatibility Buffer.

<u>Title:</u> an Official Zoning Map Amendment application of Palm Beach West Associates I LLLP by G.L. Homes, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Production (AP) and Agricultural Residential (AR) Zoning Districts to the Western Communities Residential Planned Unit Development (WCR-PUD) Zoning District.

<u>Title:</u> a Type 2 Waiver application of Palm Beach West Associates I LLLP by G.L. Homes, Agent. <u>Request:</u> to allow more than 40 percent of local streets to terminate in a cul-de-sac or dead end.

<u>General Location</u>: West side of 180th Avenue North, south of Hamlin Boulevard, and on the south side of 60th Street North, west of 180th Avenue North. **(Indian Trail Groves)** (Control 2002-90045)

Pages 337 - 427 Conditions of Approval Pages (351 - 373) Project Manager: Carolina Valera Size: 4,871.57 acres <u>+</u>

BCC District: 1,6

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1, 90 Conditions of Approval as indicated in Exhibit C-2, and 4 Conditions of Approval as indicated in Exhibit C-3.

# People who spoke on this application

Kevin Ratterree, Agent- In agreement with Conditions of Approval and staff recommendations. Many members of the public spoke in support and opposition to the request with 8 cards submitted.

**MOTION**: To adopt a resolution approving a Type 2 Variance to eliminate a Type 2 Incompatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
Douty	rtanoi	Danto	Callellae	Coursereagn	Rom	ounio
			Second	Moved		
			Second	woveu		
	N					
Yes	No	Yes	Yes	Yes	Yes	Yes
					-	

#### Motion carried 6-1-0

# Approved a Type 2 Variance (with conditions) by a vote of 6-1-0.

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Production (AP) and Agricultural Residential (AR) Zoning Districts to the Western Communities Residential Planned Unit Development (WCR-PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-1-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	No	Yes	Yes	Yes	Yes	Yes

# <u>Recommended Approval of an Official Zoning Map Amendment Class A Conditional Use</u> by a vote of 6-1-0.

**MOTION**: To recommend approval of a Type 2 Waiver to allow more than 40 percent of local streets to terminate in a cul-de-sac or dead end subject to the conditions of approval as indicated in Exhibit C-3.

Motion carried 6-1-0

	Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
				Second	Moved		

REGULAR AGENDA

	Yes	No	Yes	Yes	Yes	Yes	Yes	
<u>Rec</u>	commended	Approval o	f a Type 2	2 Waiver by	a vote of 6-1-0	<u>.</u>		

9. <u>SV/ABN/PDD/W-2018-00345</u> <u>Title:</u> a Development Order Abandonment application of City of Boynton Beach, True Shot, Pulte Home Company, LLC by WGINC, Agent. <u>Request:</u> to abandon a Special Exception to allow a Golf Course, Clubhouse and accessory facilities, and the expansion of an existing Sewage Treatment Plant.

<u>Title:</u> an Official Zoning Map Amendment application of City of Boynton Beach, True Shot, Pulte Home Company, LLC by WGINC, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

<u>Title:</u> a Type 2 Waiver application of City of Boynton Beach, True Shot, Pulte Home Company, LLC by WGINC, Agent. <u>Request:</u> to allow more than 40 percent of the local streets to terminate in a cul-de-sac or dead-end.

<u>General Location</u>: East side of South Military Trail, approximately 0.3 miles north of Old Boynton Road. **(Aurora Lakes)** (Control 1977-00052)

Pages 428 - 513 Conditions of Approval Pages (439 - 446) Project Manager: Meredith Leigh Size: 121.06 acres <u>+</u>

BCC District: 4

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 32 Conditions of Approval as indicated in Exhibit C-1; and, 5 Conditions of Approval as indicated in Exhibit C-2.

# People who spoke on this application

Jeff Brophy, Agent- In agreement with Conditions of Approval and staff recommendations as amended. Many members of the public spoke in support and opposition to the request with 91 cards submitted.

**MOTION**: To recommend approval of a Development Order Abandonment to abandon a Special Exception to allow a Golf Course, Clubhouse and accessory facilities, and the expansion of an existing Sewage Treatment Plant.

Motion carried 6-0-1

 	-					
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

\*Commission Chair Mark Beatty Recused himself from SV/ABN/PDD/W-2018-00345 Recommended Denial of a Development Order Abandonment by a vote of 6-0-1.

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

#### Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

\*Commission Chair Mark Beatty Recused himself from SV/ABN/PDD/W-2018-00345 Recommended Denial of an Official Zoning Map Amendment by a vote of 6-0-1.

**MOTION**: To recommend approval of a Type 2 Waiver to allow more than 40 percent of the local streets to terminate in a cul-de-sac or dead-end subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Abstain	Yes	Yes	Yes	Yes	Yes	Yes
*Commission Chair Mark Beatty Recused himself from SV/ABN/PDD/W-2018-00345						

Recommended Denial of a Type 2 Waiver by a vote of 6-0-1.

7. <u>PDD/W-2018-01542</u> <u>Title:</u> an Official Zoning Map Amendment application of Lyons Petroleum, Inc., Cleveland Clinic Florida Health System by Urban Design Kilday Studios, Agent. <u>Request:</u> to allow a rezoning from the General Commercial (CG) and Planned Unit Development (PUD) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

<u>Title:</u> a Type 2 Waiver application of Lyons Petroleum, Inc., Cleveland Clinic Florida Health System by Urban Design Kilday Studios, Agent. <u>Request:</u> to allow Alternative Buffers for three Type 3 Incompatibility Buffers.

<u>General Location</u>: Northeast corner of Lake Worth Road and Lyons Road. (Project Institute) (Control 1998-00077)

Pages 275 - 336 Conditions of Approval Pages (284 - 289) Project Manager: Carlos Torres Size: 36.98 acres <u>+</u>

BCC District: 6

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated on Exhibit C-1; and, 20 Conditions of Approval as indicated in Exhibit C-2.

# People who spoke on this application

Ken Tuma, Agent- In agreement with Conditions of Approval and staff recommendations. Many members of the public spoke in opposition to the request with 11 cards submitted.

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) and Planned Unit Development (PUD) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

		•					
	Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
				Second	Moved		
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
· '							( = 0 0

Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.

**MOTION**: To recommend approval of a Type 2 Waiver to allow Alternative Buffers for three Type 3 Incompatibility Buffers subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Second	Moved		
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Recommended Approval of a Type 2 Waiver by a vote of 7-0-0.

- 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
- 8. <u>Title:</u> Annual Organizational Meeting And Election of Chair and Vice Chair

Pages 514 - 518

**MOTION**: To appoint Commissioner Scarborough as Chair and Commissioner Caliendo as Vice Chair.

**Board Decision:** Approval of Commissioner Scarborough as Chair and Commissioner Caliendo as Vice Chair of 2019.

ADJOURNMENT 3:25 P.M.

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

LAST NAME-FIRST NAME-MIDDLE NAME	NAME OF BOAF	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE					
BEATTY MARK STEVEN		PALM BEACH CO	PALM BEACH COUNTY ZONING COMMISSION				
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON						
2461 PALM HARBOR DRIVE	WHICH I SERVE	E IS A UNIT OF:					
			COUNTY	OTHER LOCAL AGENCY			
	COUNTY	NAME OF POLITICAL SUBDIVISION:					
PALM BEACH GARDENS, FLORIDA PALM BEACH DATE ON WHICH VOTE OCCURRED							
	MY POSITION IS	The second					
ABSTAINED FROM VOTING - 02/07/2019							

## 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:

\*

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.

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)
<ul> <li>A copy of the form must be provided immediately to the other members of the agency.</li> </ul>
<ul> <li>The form must be read publicly at the next meeting after the form is filed.</li> </ul>
IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:
<ul> <li>You must disclose orally the nature of your conflict in the measure before participating.</li> </ul>
<ul> <li>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.</li> </ul>
DISCLOSURE OF LOCAL OFFICER'S INTEREST
I, MARK STEVEN BEATTY, hereby disclose that on _FEBRUARY 07,, 20 19
(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 THE WANTMAN GROUP INC.
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:
THE WANTMAN GROUP INC. PURCHASED THE STRUCTURAL ENGINEERING FIRM OF BRIDGE DESIGN. MY FIRM, ARCHITECTURE GREEN LLC. HAD PROFESSIONAL SERVICE CONTRACTS WITH BRIDGE DESIGN. THESE CONTRACTS HAVE BEEN TRANSFERED TO THE WANTMAN GROUP INC.
Agenda FEBRUARY 07, 2019
Item #6 ZV/DOA-2017-02426
Item #9 SV/ABN/PDD/W-2018-00345
Date Filed Signature
NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES \$112,317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE

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.