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, FLORIDA

# THURSDAY JUNE 6. 2019 MINUTES

#### CALL TO ORDER

A. Roll Call

Commissioner Sheri Scarborough, Chair	Present
Commissioner Sam Caliendo, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner John Kern	Present
Commissioner Marcelle Griffith Burke	Absent
Commissioner Mark Beatty	Present
Commissioner Robert Currie	Present
Commissioner Brumfield	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	Brumfield				
			Moved		Second						
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes				

# F. Adoption of the Minutes

Motion to receive and file 7-0

	1000110 ana						
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Moved		Second		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes

- G. Swearing In
- H. Disclosures

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Recused: #13, #14, #15		Absent	0	8,12,13,15	8	8	0

\*Commissioner Mark Beatty Recused himself from ABN/DOA-2019-00101 Boca Raton Cell Tower, PDD/DOA/CA/W-2019-00135 Boca Raton Golf Course PUD, Z-2019-00758 Boca Raton Golf Course Rezoning to PO.

# POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

# A. POSTPONEMENTS

6. <u>ZV-2018-01037</u> <u>Title:</u> a Type 2 Variance application of Totally Glass & Blinds, LLC by Land Research Management Inc., Agent. <u>Request:</u> to reduce: front, side and rear setbacks, lot size, frontage, depth, terminal island width and planting material, interior landscaping material, Right-of-Way (R-O-W) buffer width and planting material, and Compatibility Buffer width and planting material; and, to eliminate dumpster, loading space, and Foundation Planting width and planting materials.

<u>General Location:</u> West side of Military Trail, approximately 0.25 miles south of Belvedere Road. **(Totally Glass & Blinds)** (Control 2011-00348)

Pages 69 - 124 Conditions of Approval Pages (74 - 75) Project Manager: Carlos Torres Size: 0.15 acres <u>+</u>

BCC District: 7

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

**MOTION**: To adopt a Resolution approving a Type 2 Variance to reduce: front, side and rear setbacks, lot size, frontage, depth, terminal island width and planting material, interior landscaping material, Right-of-Way (R-O-W) Buffer width and planting material, and Compatibility Buffer width and planting material; and, to eliminate dumpster, loading space, and Foundation Planting width and planting materials subject to 9 Conditions of Approval as indicated in Exhibit C.

#### Motion carried 7-0-0

Motion camee	100						
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Douity	rtanoi	Danto	Callonad	Coarborougir	i toini	Carrie	Brannola
			Moved		Second		
			woveu		Occond		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
103	103	Absent	162	165	162	162	162
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Postponed to July 3, 2019 by a vote of 7-0-0.

 <u>SV/ZV/CA-2018-01805</u> <u>Title:</u> a Subdivision Variance application of JMB Holdings, LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to reduce the minimum legal right-of-way access width.

<u>Title:</u> a Type 2 Variance application of JMB Holdings, LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to reduce setbacks, landscape buffer width; reduce and eliminate landscape buffer vegetation materials; eliminate landscape protection measures (curbing) and trees; and, to allow location of a fence on the property line and to eliminate requirement to plant on exterior side of the fence.

<u>Title:</u> a Class A Conditional Use application of JMB Holdings, LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to allow a Type 2 Congregate Living Facility.

<u>General Location</u>: Northwest corner of 155th Place North and 79th Terrace North. **(Banyan House)** (Control 2015-00115)

Pages 1 - 1 Project Manager: Carrie Rechenmacher Size: 1.83 acres <u>+</u>

BCC District: 1

Staff Recommendation: Staff recommends a postponement to Wednesday, July 3, 2019.

**MOTION**: To postpone to Wednesday, July 3, 2019.

Motion carried 7-0-0

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

# POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

# Postponed to July 3, 2019 by a vote of 7-0-0.

2. <u>ZV/CA-2018-01804</u> <u>Title:</u> Type 2 Variance application of Dakota Limited Holdings, LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to reduce parking space dimensions and drive aisle width, allow location of a fence on the property line and eliminate requirement to plant on exterior side of the fence; eliminate parking lot surface material requirement, landscape protection measures (curbing), Right-of-Way (R-O-W), Incompatibility Buffer and landscape island landscaping; and, to increase easement overlap in the R-O-W Buffer.

<u>Title:</u> a Class A Conditional Use application of Dakota Limited Holdings, LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. <u>Request:</u> to allow a Type 2 Congregate Living Facility.

<u>General Location:</u> North side of Donald Ross Road, approximately 350 feet east of 69th Drive North. **(Hedge House)** (Control 2018-00013)

Pages 2 - 2 Project Manager: Carolina Valera Size: 1.09 acres <u>+</u>

BCC District: 1

Staff Recommendation: Staff recommends a postponement to Wednesday, July 3, 2019.

**MOTION**: To postpone to Wednesday, July 3, 2019.

Motion carried 7-0-0

Motion carried							
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Deally	Ranoi	Durke	Culleriuo	Courservagn	Rom	Ourric	Dranneia
			Moved		Second		
			INDVEU		Second		
Yes	Yes	Abaant	Vee	Vaa	Vaa	Vaa	Vaa
165	162	Absent	Yes	Yes	Yes	Yes	Yes
				•			

Postponed to July 3, 2019 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

# B. STATUS REPORTS

# C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

# D. ZONING APPLICATIONS - NEW

3. <u>ABN/Z-2018-02226</u> <u>Title:</u> a Development Order Abandonment application of Cross Development CC Lake Worth, LLC, Glenn Rasmussen by Gunster Yoakley & Stewart PA, CSS Engineering, Agent. <u>Request:</u> to abandon the Conditional Overlay Zone (COZ). <u>Title:</u> an Official Zoning Map Amendment application of Cross Development CC Lake Worth, LLC, Glenn Rasmussen by Gunster Yoakley & Stewart PA, CSS Engineering, Agent. <u>Request:</u> to allow a rezoning from the Single Family Residential (RS) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ). <u>General Location:</u> 0.08 miles north of Lantana Road on the west side of Haverhill Road . (Caliber Collision Lake Worth) (Control 2012-00580)

Pages 3 - 16 Conditions of Approval Pages (8 - 9) Project Manager: Ryan Vandenburg Size: 4.65 acres <u>+</u>

BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to a Conditional Overlay Zone and 7 Conditions of Approval as indicated in Exhibit C.

**MOTION**: To recommend approval of a Development Order Abandonment to abandon a Conditional Overlay Zone (COZ).

Motion carried 7-0-0										
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield			
-				•						
			Moved		Second					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes			

Recommended Approval of 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 Single Family Residential (RS) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield		
			Moved		Second				
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes		
Recommen	Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.								

4. **DOA-2018-01613** <u>Title:</u> a Development Order Amendment application of Liberty Property Limited Partnership by Cotleur & Hearing Inc., Agent. <u>Request:</u> to reconfigure the site plan to add an access point and modify Conditions of Approval (Landscaping and Use Limitations); and, to modify a Class A Conditional Use for Manufacturing and Processing, add/delete square footages and modify Conditions of Approval (Use Limitations).

<u>General Location</u>: On the north side of Southern Boulevard, approximately 0.3 miles east of Jog Road. **(Liberty Airport Center)** (Control 2001-00064)

Pages 17 - 49 Conditions of Approval Pages (25 - 35) Project Manager: Carrie Rechenmacher Size: 68.11 acres <u>+</u> (affected area 1.00 acres <u>+</u>)

BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 46 Conditions of Approval as indicated in Exhibit C-1; and, 6 Conditions of Approval as indicated in Exhibit C-2.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the site plan to add an access point, and modify Conditions of Approval (Landscaping and Use Limitations) subject to Conditions of Approval as indicated in Exhibit C-1.

Motion	carried 7-0	-0
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Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield		
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-									
			Moved		Second				
			moroa						
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes		
		/ 1000111							
			<b></b>				( 7		

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

**MOTION:** To recommend approval of a Development Order Amendment to modify a Class A Conditional Use for Manufacturing and Processing, add/delete square footages and modify Conditions of Approval (Use Limitations) subject to the Conditions of Approval as indicated in Exhibit C-2.

#### Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Moved		Second		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Pecommen	dod Anni	roval of a	Dovolonm	ont Order Am	ondmon	t by a vot	o of 7-0-0

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

 <u>DOA-2018-01914</u> <u>Title:</u> a Development Order Amendment application of EALC Investments, LLC by Charles Putman & Associates, Agent. <u>Request:</u> to reconfigure the Site Plan, add square footage, and modify a Condition of Approval (Day Care).

<u>General Location:</u> Northwest corner of South Jog Road and Morikami Park Road. (Get Ready Set Grow) (Control 1982-00184)

Pages 50 - 68 Conditions of Approval Pages (55 - 58) Project Manager: Meredith Leigh Size: 4.05 acres <u>+</u> (affected area 0.08 acres <u>+</u>)

BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the request subject to 19 Conditions of Approval as indicated in Exhibit C.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage, and modify a Condition of Approval (Day Care) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Moved		Second		
Maria	Maa						
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Pacammandad Approval of a Davalapment Order Amandment by a vote of 7-0-0							

<u>Recommended Approval of a Development Order Amendment by a vote of 7-0-0.</u>

7. <u>ZV/DOA-2018-01003</u> <u>Title:</u> a Type 2 Variance application of PS Florida One, Inc. by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. <u>Request:</u> to reduce a Right of Way (R-O-W) Buffer width; eliminate foundation planting; and, increase the utility easement overlap in a R-O-W Buffer.

<u>Title:</u> a Development Order Amendment application of PS Florida One, Inc. by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. <u>Request:</u> to reconfigure the Site Plan to add square footage and modify Conditions of Approval (Building and Site Design).

<u>General Location</u>: Northwest corner of Cypress Lakes Preserve Drive and State Road 7. **(Cypress Lake Preserve MUPD)** (Control 2000-00020)

Pages 125 - 167 Conditions of Approval Pages (132 - 139) Project Manager: Carolina Valera Size: 5.81 acres <u>+</u>

BCC District: 6

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; and, 40 Conditions of Approval as indicated in Exhibit C-2.

**MOTION**: To adopt a Resolution approving a Type 2 Variance to reduce a Right of Way (R-O-W) Buffer width; eliminate foundation planting; and, increase the utility easement overlap in a R-O-W Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

	Motion	carried	7-0-0
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Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Moved		Second		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes

## Approved a Type 2 Variance (with Conditions) as amended, 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 modify Conditions of Approval (Building and Site Design) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0-0

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

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

## E. CORRECTIVE RESOLUTIONS

## F. ABANDONMENTS

# A. ITEMS PULLED FROM CONSENT

#### **B. STATUS REPORTS**

#### C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

8. <u>PDD-2018-01692</u> <u>Title:</u> an Official Zoning Map Amendment application of Concert Fountains Properties, LLC by WGINC, Agent. <u>Request:</u> to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Planned Unit Development (PUD) Zoning District.

<u>General Location:</u> West side of South Jog Road, approximately 0.3 miles south of Lake Worth Road. **(The Lofts at Lake Worth)** (Control 2016-00114)

Pages 168 - 195 Conditions of Approval Pages (175 - 181) Project Manager: Carolina Valera Size: 62.60 acres <u>+</u>

BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the request subject to 29 Conditions of Approval as indicated in Exhibit C.

#### People who spoke on this application

Jeff Brophy, Agent and staff provided brief presentation. Jack Rice representing the Fountains North residents spoke acknowledging the Agent and Staff for drafting Conditions of Approval to alleviate the concerns of the residents regarding security, potential environmental hazards from the soil of the golf course, visual screening from the new development, and prohibiting accessing the site through the Fountains North during construction. Three Comment Cards were submitted in opposition.

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

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Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Doally	rtanor	Danto	Callenae	Coarborougn	i tom	Carrie	Brannola
Moved			Second				
Maria	Maria						
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Decommonded Approval of an Official Zaning Man Amondment by a vote of Z.O.O.							

Motion carried 7-0-0

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

## D. ZONING APPLICATIONS - NEW

 <u>DOA-2018-01562</u> <u>Title:</u> Development Order Amendment application of Lyons Retail, Inc., SAFStor, Inc. by HSQ Group Inc., Agent. <u>Request:</u> to reconfigure the Site Plan; add square footage; and, modify uses and Conditions of Approval (Architectural Review and Landscaping).

<u>General Location:</u> Northeast corner of Lyons Road and Lantana Road. ( Sherbrooke Center) (Control 1989-00063)

Pages 196 - 223 Conditions of Approval Pages (202 - 209) Project Manager: Carolina Valera Size: 8.89 acres <u>+</u> (affected area 5.90 acres <u>+</u>)

BCC District: 3

<u>Staff Recommendation:</u> Staff recommends approval of the request subject to 41 Conditions of Approval as indicated in Exhibit C.

#### People who spoke on this application

Jay Hubner, Agent and staff provided brief presentation. Four public comment cards wereZoning CommissionJuly 3, 2019Page 7

#### REGULAR AGENDA

submitted: two did not wish to speak but indicated in writing they were opposed to the project due to the massing and proximity of the proposed 3-story Self Service Storage building to surrounding residential neighborhood; and, two people spoke in opposition of the request citing similar concerns, in addition to concerns regarding the location of the loading area, potential outdoor storage of trucks and recreational vehicles, stormwater management, excessive lighting, the proposed 3-story Self Service Storage building impacts on underground aquifers, and conflicts with existing Conditions of Approval.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add square footage; and, modify uses and Conditions of Approval (Architectural Review and Landscaping) subject to the Conditions of Approval as indicated in Exhibit C.

Motion came	17-0-0						
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
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			Second		Noveu		
Vaa	Vaa	A I (	M		Mar	M	N/
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes

Motion carried 7-0-0

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

 <u>DOA/CA-2018-02137</u> <u>Title:</u> a Development Order Amendment application of 441 Associates, LLC by Insite Studio, Agent. <u>Request:</u> to reconfigure the Site Plan, modify uses, add square footage, modify or delete Conditions of Approval (Building and Site Design, Landscaping, Signs, Use Limitations), and Restart the Commencement Clock. <u>Title:</u> a Class A Conditional Use application of 441 Associates, LLC by Insite Studio, Agent. <u>Request:</u> to allow a General Day Care.

<u>General Location:</u> Northwest corner of State Road 7 and 52nd Place South, approximately 0.75 miles north of Lantana Road. **(South Road Office MUPD)** (Control 2003-00036)

Pages 224 - 251 Conditions of Approval Pages (229 - 240) Project Manager: Meredith Leigh Size: 9.26 acres <u>+</u> (affected area 4.36 acres <u>+</u>)

BCC District: 6

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to 51 Conditions of Approval as indicated in Exhibit C-1; and, 6 Conditions of Approval as indicated in Exhibit C-2.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, modify uses, add square footage, modify or delete Conditions of Approval (Building and Site Design, Landscaping, Signs, Use Limitations), and Restart the Commencement Clock subject to the Conditions of Approval as indicated in Exhibit C-1.

MOLION Carnet	J 7-0-0						
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Moved			Second				
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes

Motion carried 7-0-0

## 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 Day Care subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Moved			Second				
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Recommended Approval of a Class A Conditional Use by a vote of 7-0-0							

<u>Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.</u>

REGULAR AGENDA

Nurseries Inc by WGINC, Agent. <u>Request:</u> to reconfigure the Site Plan, add square footage, modify uses and modify and delete Conditions of Approval (All Petition, Architecture, Dumpster, Engineering, Landscape).

<u>Title:</u> a Class A Conditional Use application of Grove Nurseries Inc by WGINC, Agent. <u>Request:</u> to allow a Type 3 Congregate Living Facility; and, a Self Service Storage Facility (Limited Access).

<u>General Location</u>: Northwest corner of Boynton Beach Boulevard and Orchid Grove Trail. **(Boynton Commons MUPD)** (Control 2006-00367)

Pages 252 - 279 Conditions of Approval Pages (269 - 270) Project Manager: Carrie Rechenmacher Size: 10.10 acres <u>+</u>

BCC District: 5

<u>Staff Recommendation</u>: Staff recommends approval of the requests subject to 31 Conditions of Approval as indicated in Exhibit C-1; 4 Conditions of Approval as indicated in Exhibit C-2; and, 4 Conditions of Approval as indicated in Exhibit C-3.

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage, modify uses and modify and delete Conditions of Approval (All Petition, Architecture, Dumpster, Engineering, Landscape) subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0-0

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

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

**MOTION**: To recommend approval of a Class A Conditional Use to allow a Type 3 Congregate Living Facility subject to Conditions of Approval as indicated in Exhibit C-2.

#### Motion carried 7-0-0

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Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
				e e e e e e e e e e e e e e e e e e e			
			Second		Moved		
			Second		NOVEU		
Vaa	Vee					14	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Self Service Storage Facility (Limited Access) subject to Conditions of Approval as indicated in Exhibit C-3.

Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes
Recommended Approval of a Class A Conditional Use by a vote of 7-0-0							

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

12. **ZV/DOA/CA/W-2018-02152** <u>Title:</u> a Type 2 Variance application of Lake Worth Road Villas, LLC by Insite Studio, Agent. <u>Request:</u> to allow relocation of a fence along the west property line; and, relocation of required planting material and reduction of the required planting width along the south and west property line.

<u>Title:</u> a Development Order Amendment application of Lake Worth Road Villas, LLC by Insite Studio, Agent. <u>Request:</u> to reconfigure the Master Plan to increase residential units and add residential density bonus uses.

<u>Title:</u> a Class A Conditional Use application of Lake Worth Road Villas, LLC by Insite Studio, Agent. <u>Request:</u> to allow Workforce Housing Program density bonus greater than 30 percent; and, to allow Transfer of Developments Rights (TDRs) within a Planned Unit July 3, 2019 Page 9

Development (PUD).

<u>Title:</u> a Type 2 Waiver application of Lake Worth Road Villas, LLC by Insite Studio, Agent . <u>Request:</u> to allow a reduction of the required frontage along an Arterial or Collector.

<u>General Location:</u> Southwest corner of Lake Worth Road and Florida's Turnpike. **(Lake Worth Royale)** (Control 2017-00194)

Pages 280 - 327 Conditions of Approval Pages (291 - 300) Project Manager: Carlos Torres Size: 27.35 acres +

BCC District: 6

<u>Staff Recommendation:</u> Staff recommends approval of the request subject to 6 Conditions of Approval as indicated on Exhibit C-1, 26 Conditions of Approval as indicated in Exhibit C-2, 4 Conditions of Approval as indicated in Exhibit C-3, 8 Conditions of Approval as indicated in Exhibit C-4 and 4 Conditions of Approval as indicated in Exhibit C-5.

#### People who spoke on this application

Brian Terry, Agent and staff provided brief presentation.

**MOTION**: To adopt a Resolution approving a Type 2 Variance to allow relocation of a fence along the west property line; and, relocation of required planting material; and reduction of the required planting width along the south and west property line subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion	carried	7-0-0
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Motion carried 7-0-0								
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield	
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Moved			Second					
Moveu			Occond					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	
105	103	Absent	162	165	162	162	162	
Approved a Type 2 Variance (with Conditions) by a vote of 7-0-0.								
<u>/ Ippi or ou u</u>	190021							

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Master Plan to increase residential units and add residential density bonus uses subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion	carried	7-0-0

Deathy							
Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Moved			Second				
Yes	Yes	Absent	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 Workforce Housing Program Density bonus greater than 30% subject to the Conditions of Approval as indicated in Exhibit C-3.

#### Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield		
Moved			Second						
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes		
Pasammandad Approval of a Class A Conditional Lles by a vote of 7.0.0									

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights (TDR) to a Planned Unit Development (PUD) subject to the Conditions of Approval as indicated in Exhibit C-4.

#### Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
Moved			Second				

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

**MOTION**: To recommend approval of the request for a Type 2 Waiver to allow a reduction of the required frontage along an Arterial or Collector subject to the Conditions of Approval as indicated in Exhibit C-5.

#### Motion carried 7-0-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield		
Moved			Second						
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes		
Recommended Approval of a Type 2 Waiver by a vote of 7-0-0.									

13. <u>ABN/DOA-2019-00101</u> <u>Title:</u> a Development Order Abandonment application of City of Boca Raton by Miller Land Planning, Agent. <u>Request:</u> to abandon a Class A Conditional Use to allow a Self Support/Lattice Tower; and, to abandon Type 2 Waivers to allow a reduction of the required setback for a Self Support/Lattice Tower.

<u>Title:</u> a Development Order Amendment application of City of Boca Raton by Miller Land Planning, Agent. <u>Request:</u> to add and delete land area.

<u>General Location:</u> Approximately 1,220 feet north of Glades Road on the west side of the Florida's Turnpike. **(Boca Raton Cell Tower)** (Control 1981-00019)

Pages 328 - 411 Conditions of Approval Pages (346 - 357) Project Manager: Ryan Vandenburg Size: 193.51 acres <u>+</u> (affected area 3.27 acres <u>+</u>)

BCC District: 5

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

#### People who spoke on this application

Four residents spoke in opposition to the project, citing concerns related to health, property value, traffic, property insurance concerns, use of the Tower by private communication companies, and concerns over the break point. There was also a petition submitted in opposition to the Tower. The Agent as well as Facilities Development & Operations Strategic Planning (FD&O) staff provided a detailed presentation and agreed to the all of the Conditions of Approval. Further, FD&O staff agreed to an additional Condition of Approval in response to public input, to limit use of the proposed Government Tower to Government entities only.

**MOTION**: To recommend approval of a Development Order Abandonment to abandon a Class A Conditional Use to allow a Self Support/Lattice Tower.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield			
			Second		Moved					
Recused*	Yes	Absent	Yes	Yes	Yes	Yes	Yes			

\*Commissioner Mark Beatty Recused himself from ABN/DOA-2019-00101.

#### <u>Recommended Approval of a Development Order Abandonment by a vote of 6-0-1.</u>

**MOTION:** To recommend approval of a Development Order Abandonment to abandon a Type 2 Waiver to allow a reduction of the required setback for a Self Support /Lattice Tower.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		

Recused*	Yes	Absent	Yes	Yes	Yes	Yes	Yes		
*Commissioner Mark Beatty Recused himself from ABN/DOA-2019-00101.									

## Recommended Approval of a Development Order Abandonment by a vote of 6-0-1.

**MOTION**: To recommend approval of a Development Order Amendment to add and delete land area subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		
Recused*	Yes	Absent	Yes	Yes	Yes	Yes	Yes

\*Commissioner Mark Beatty Recused himself from ABN/DOA-2019-00101. Recommended Approval of a Development Order Amendment by a vote of 6-0-1. 14. <u>PDD/DOA/CA/W-2019-00135</u> <u>Title:</u> an Official Zoning Map Amendment application of G.L. Acquisitions Corporation, City of Boca Raton, Palm Beach County by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Palm Beach County, Agent. <u>Request:</u> to allow a rezoning from the Public Ownership (PO) Zoning District to the Planned Unit Development (PUD) Zoning District.

<u>Title:</u> a Development Order Amendment application of G.L. Acquisitions Corporation, City of Boca Raton, Palm Beach County by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Palm Beach County, Agent. <u>Request:</u> to reconfigure the Master Plan, add and delete land area and add uses.

<u>Title:</u> a Class A Conditional Use application of G.L. Acquisitions Corporation, City of Boca Raton, Palm Beach County by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Palm Beach County, Agent. <u>Request:</u> to allow a Self Support Communication Tower.

<u>Title:</u> a Type 2 Waiver application of G.L. Acquisitions Corporation, City of Boca Raton, Palm Beach County by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Palm Beach County, Agent. <u>Request:</u> to allow a reduction of the required Tower separation distances and required setbacks.

<u>General Location</u>: Approximately 1,220 feet north of Glades Road on the west side of the Florida's Turnpike. **(Boca Raton Golf Course PUD)** (Control 1981-00019)

Pages 328 - 411 Conditions of Approval Pages (346 - 357) Project Manager: Ryan Vandenburg Size: 193.51 acres <u>+</u>

#### BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the request subject to 1 Condition of Approval as indicated in Exhibit C-2; 30 Conditions of Approval as indicated in Exhibit C-3; 4 Conditions of Approval as indicated in Exhibit C-4; and, 4 Conditions of Approval as indicated in Exhibit C-5.

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

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		
Recused*	Yes	Absent	Yes	Yes	Yes	Yes	Yes

\*Commissioner Mark Beatty Recused himself from PDD/DOA/CA/W-2019-00135.

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

**MOTION**: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, add and delete land area and add uses subject to the Conditions of Approval as indicated in Exhibit C-3.

#### Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		
Recused*	Yes	Absent	Yes	Yes	Yes	Yes	Yes

\*Commissioner Mark Beatty Recused himself from PDD/DOA/CA/W-2019-00135. Recommended Approval of a Development Order Amendment by a vote of 6-0-1.

**MOTION**: To recommend approval of a Class A Conditional Use to allow a Self Support Communication Tower subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		
Zoning Commissio	n		Jub	<del>y 3, 2019</del>			Page 13

\*Commissioner Mark Beatty Recused himself from PDD/DOA/CA/W-2019-00135. Recommended Approval of a Class A Conditional Use by a vote of 6-0-1.

**MOTION**: To recommend approval of a Type 2 Waiver to allow a reduction of the required Tower separation distances and required setbacks subject to the Conditions of Approval as indicated in Exhibit C-5.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		
Recused*	Yes	Absent	Yes	Yes	Yes	Yes	Yes

\*Commissioner Mark Beatty Recused himself from PDD/DOA/CA/W-2019-00135. **Recommended Approval of a Type 2 Waiver by a vote of 6-0-1.** 

15. <u>Z-2019-00758</u> <u>Title:</u> an Official Zoning Map Amendment application of G.L. Acquisitions Corporation, City of Boca Raton by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Agent. <u>Request:</u> to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District.

<u>General Location:</u> Approximately 1,220 feet north of Glades Road on the west side of the Florida's Turnpike. **(Boca Raton Golf Course Rezoning to PO)** (Control 1981-00019)

Pages 328 - 411 Conditions of Approval Pages (346 - 357) Project Manager: Ryan Vandenburg Size: 0.01 acres <u>+</u>

BCC District: 5

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

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-6.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Second		Moved		
Recused*	Yes	Absent	Yes	Yes	Yes	Yes	Yes
				7 0040 00750			

\*Commissioner Mark Beatty Recused himself from Z-2019-00758.

Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-1.

## E. SUBDIVISION VARIANCE

F. OTHER ITEMS

#### END OF REGULAR AGENDA

# COMMENTS

# A. COUNTY ATTORNEY

B. ZONING DIRECTOR Zoning Commission

- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. COMMISSIONERS

ADJOURNMENT

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

		• • • • • • • • •				
LAST NAME-FIRST NAME-MIDDLE NAM	NAME OF BOAF	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE				
BEATTY MARK STEVEN	PALM BEACH CO	PALM BEACH COUNTY ZONINGCOMMISSION				
MAILING ADDRESS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON				
2461 PALM HARBOR DRIVE	WHICH I SERVE	E IS A UNIT OF:				
CITY COUNTY PALM BEACH GARDENS, FLORIDA PALM BEACH DATE ON WHICH VOTE OCCURRED			COUNTY	OTHER LOCAL AGENCY		
ABSTAINED FROM VOTING - 6/6/19						

#### 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 pulsioners 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:
You must disclose orally the nature of your conflict in the measure before participating.
<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 _JUNE, 6, 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 PALM BEACH COUNTY, which
is the parent organization or subsidiary of a principal which has retained me.
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:
MY FIRM, ARCHITECTURE GREEN LLC. HAS A COUTINUING SERVICE CONTRACT WITH PALM BEACH COUNTY.
Agenda June 6, 2019 Item #13 - ABN/DOA-2019-00101 Item #14 - PDD/DOA/CA/W-2019-00135 Item #15 - Z-2019-00758
C/7/19 Date Filed Date Filed

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.