



FRIDAY, DECEMBER 6, 2019
MINUTES

CALL TO ORDER

* Nominate and vote on Interim Chair- Mark Beatty

Motion to receive and file 5-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield
			Second			Moved
Absent	Absent	Yes	Yes	Yes	Yes	Yes

A. Roll Call

Commissioner Sheri Scarborough, Chair	Absent
Commissioner Sam Caliendo, Vice Chair	Absent
Commissioner Amir Kanel	Present
Commissioner John Kern	Present
Commissioner Philip L. Barlage	Present
Commissioner Marcelle Griffith Burke	Present
Commissioner Mark Beatty	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 6-0

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

F. Adoption of the Minutes

Motion to receive and file 6-0

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

G. Swearing In

H. Amendments to the Agenda

Motion to receive and file 6-0

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

I. Motion to Adopt the Agenda

Motion to receive and file 6-0

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

J. Disclosure

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty
Absent	Absent	0	9	6,7	0	0	3,9

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **DOA/CA-2019-00737** Title: a Development Order Amendment application of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. Request: to add a use.
Title: a Class A Conditional Use application of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. Request: to allow a Cocktail Lounge.
General Location: Southwest corner of Palmetto Park Road & Powerline Road. **(US Cigar Exchange)** (Control 1981-00115)

Pages 1 - 1

Project Manager: Brenya Martinez

Size: 8.19 acres ±

(affected area 7.31 acres ±)

BCC District: 4

Staff Recommendation: Staff recommends postponement to Wednesday, January 8, 2020.

MOTION: To postpone to Wednesday, January 8, 2020.

Motion carried 6-0

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

Board Decision: Postponed to January 8, 2020 by a vote of 6-0-0.

2. **DOA/W-2019-00489** Title: a Development Order Amendment application of PT Department by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reconfigure the Site Plan; and, to add square footage.
Title: a Type 2 Waiver application of Pt Department by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reduce minimum Fenestration, Building Frontage and dimension of Usable Open Space; and, eliminate a Pedestrian Amenity.
General Location: West side of Military Trail, approximately 600 feet north of Summit Boulevard. **(Hunts Easy Storage)** (Control 1981-00082)

Pages 2 - 2

Project Manager: Travis Goodson

Size: 9.31 acres ±

(affected area 3.49 acres ±)

BCC District: 2

Staff Recommendation: Staff recommends postponement to Wednesday, January 8, 2020.

MOTION: To postpone to Wednesday, January 8, 2020.

Motion carried 6-0

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

Board Decision: Postponed to January 8, 2020 by a vote of 6-0-0.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

3. ZV/PDD/CA-2019-00327- Holden of Delray Beach

Motion carried 6-0

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

4. ABN/CA-2018-02106- Trikon Northlake

Motion carried 6-0

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

6. ZV/DOA-2018-01208- Delray Commons (Barkley Place)

Motion carried 6-0

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

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

- 5. **DOA-2019-01088** Title: a Development Order Amendment application of WPB No. 1, LLC, Florida #2, LLC, MA No. 1, LLC, Health Career Institute, LLC, Florida #8, LLC by Shutts and Bowen LLP, Agent. Request: to amend the Site Plan and delete a Condition of Approval.

General Location: Southeast of the intersection of North Congress Avenue and Westgate Avenue. **(Congress Avenue Office Park)** (Control 1988-00005)

Pages 98 - 135

Conditions of Approval Pages (104 - 106)

Project Manager: Cody Sisk

Size: 6.10 acres ±

BCC District: 2

MOTION: To recommend approval of a Development Order Amendment to amend the Site Plan and delete a Condition of Approval subject to the Conditions of Approval as indicated in Motion carried 6-0

Motion carried 6-0

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

Board Decision: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 6-0-0.

7. **ZV/ABN/DOA/CA-2019-00134** Title: a Type 2 Variance application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to allow an additional freestanding building; reduce number of parking spaces; and, eliminate and reduce Foundation Planting.

Title: a Development Order Abandonment application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to abandon a Type II Restaurant

Title: a Development Order Amendment application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to reconfigure the Site Plan; reduce square footage and number parking spaces; and, modify uses.

Title: a Conditional Use Class A application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to allow a Type 1 Restaurant with a Drive-through.

General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road.
(Chick-Fil-A #4305 - Canyon Town Center) (Control 2004-00471)

Pages 169 - 230

Conditions of Approval Pages (179 - 189)

Project Manager: Carolina Valera

Size: 125.82 acres ±

(affected area 1.23 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1, C-2, and C-3.

MOTION: To adopt a Resolution approving a Type 2 Variance to allow an additional freestanding building; reduce number of parking spaces; and, eliminate and reduce Foundation Planting subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

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

Board Decision: Approved a Type 2 Variance (with conditions) by a vote of 6-0-0.

MOTION: To recommend approval of a Development Order Abandonment to abandon a Type II Restaurant.

Motion carried 6-0

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

Board Decision Recommended Approval of a Development Order Abandonment by a vote of 6-0-0.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; reduce square footage and number of parking spaces; and, modify uses subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

Board Decision: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 6-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 6-0

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

Board Decision: Recommended Approval of a Conditional Use Class A (with conditions) by a vote of 6-0-0

8. **ABN/ZV/PDD/CA-2017-00983** Title: Type 2 Variance application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to eliminate a Type 2 Incompatibility Buffer between a Recreation Pod and abutting Residential Use; and, to increase percentage of streets permitted to terminate in dead ends or cul-de-sacs.

Title: an Official Zoning Map Amendment application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Class A Conditional Use application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent.

General Location: West side of Military Trail, approximately 0.60 miles north of Lantana Road. **(Heathwood Reserve)** (Control 1997-00008)

Pages 231 - 310

Conditions of Approval Pages (242 - 247)

Project Manager: Carolina Valera

Size: 22.54 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

MOTION: To adopt a Resolution approving a Type 2 Variance to eliminate a Type 2 Incompatibility Buffer between a Recreation Pod and abutting Residential Use; and, to increase percentage of streets permitted to terminate in dead ends or cul -de-sacs, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

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

Board Decision: Approved a Type 2 Variance (with conditions) by a vote of 6-0-0.

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-2.

Motion carried 6-0

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

Board Decision: Recommended Approval of an Official Zoning Map Amendment (with conditions) by a vote of 6-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow to Workforce Housing Program (WHP) Density Bonus greater than 30 percent, subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 6-0

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

Board Decision: Recommended Approval of a Class A Conditional Use (with conditions) by a vote of 6-0-0.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

3. **ZV/PDD/CA-2019-00327** Title: a Type 2 Variance application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to eliminate frontage and access on an Arterial or Collector Street; and, to reduce a side setback.

Title: an Official Zoning Map Amendment application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Class A Conditional Use application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a Type 3 Congregate Living Facility.

General Location: North side of Morikami Park Road, approximately 310 feet west of Jog Road. **(Holden of Delray Beach)** (Control 2008-00133)

Pages 3 - 69

Size: 7.23 acres

Conditions of Approval (14 - 20)

±

Project Manager: Meredith Leigh

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.

MOTION: To adopt a resolution approving a Type 2 Variance to eliminate frontage and access on an Arterial or Collector street; and, to reduce a side setback subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty
			Second			Moved	
Absent	Absent	Yes	Yes	No	Yes	Yes	Yes

Board Decision: Approved a Type 2 Variance (with conditions) by a vote of 5-1-0.

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

Motion carried 6-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty
			Second			Moved	
Absent	Absent	Yes	Yes	No	Yes	Yes	Yes

Board Decision: Recommended Approval of an Official Zoning Map Amendment (with conditions) by a vote of 5-1-0.

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

Motion carried 6-0

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

Board Decision: Recommended Approval of a Class A Conditional Use (with conditions) by a vote of 5-1-0.

4. **ABN/CA-2018-02106** Title: a Development Order Abandonment application of Trikon Northlake, LLC by Insite Studio, Agent. Request: to abandon the Special Exception allowing a Financial Institution with five Drive-Up Teller units.
Title: a Class A Conditional Use application of Trikon Northlake, LLC by Insite Studio, Agent. Request: to allow a Type 1 Restaurant with a drive-thru.
General Location: On the north side of Northlake Boulevard (Blvd), approximately 630 feet west of MacArthur Blvd. **(Trikon Northlake)** (Control 1986-00070)

Pages 70 - 97

Conditions of Approval Pages (80 - 82)

Project Manager: Carrie Rechenmacher

Size: 2.77 acres ±

BCC District: 1

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

MOTION: To recommend approval of a Development Order Abandonment to abandon the Special Exception allowing a Financial Institution with five Drive-Up Teller units.

Motion carried 6-0

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

Board Decision: Recommended Approval of a Development Order Abandonment by a vote of 6-0-0.

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a drive-thru subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 6-0

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

Board Decision: Recommended Approval of a Class A Conditional Use (as amended) by a vote of 6-0-0.

6. **ZV/DOA-2018-01208** Title: Type 2 Variance application of Barkley International, Inc. by Dunay Miskel and Backman LLP, Agent. Request: to allow a reduction in lot depth, Right-of-Way (R-O-W) Buffer width and, building setbacks; to allow for elimination of foundation planting, and, to increase easement overlap within a R-O-W Buffer.
Title: a Development Order Amendment application of Barkley International, Inc. by Dunay Miskel and Backman LLP, Agent. Request: to reconfigure the Site Plan; add and delete square footage; modify uses; and amend Conditions of Approval.

General Location: West side of Military Trail, approximately 0.25 miles north of Flavor Pict Road. **(Delray Commons (Barkley Place))** (Control 1984-00163)

Pages 136 - 168

Conditions of Approval Pages (144 - 149)

Project Manager: Carrie Rechenmacher

Size: 4.00 acres ±

BCC District: 5

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

MOTION: To adopt a resolution of a Type 2 Variance to allow a reduction in lot depth, Right-of-Way (R-O-W) Buffer width and, building setbacks; to allow for elimination of foundation planting, and, to increase easement overlap within a R-O-W Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 6-0

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

Board Decision: Approved a Type 2 Variance (with conditions) by a vote of 6-0-0.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add and delete square footage; modify uses; and amend Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0

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

Board Decision: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 6-0-0.

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

- 9. **ZICA-2018-02236** Title: an Official Zoning Map Amendment application of Annie Vo Yen Pham by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CL-O) Zoning District. Title: a Class A Conditional Use application of Annie Vo Yen Pham by Schmidt Nichols, Agent. Request: to allow a Medical or Dental Office. General Location: Northeast corner of Lantana Road and Colbright Road. **(Vo Professional Office)** (Control 2018-00157)

Pages 311 - 330

Conditions of Approval Pages (319 - 321)

Project Manager: Ryan Vandenburg

Size: 3.11 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the request. However should the Zoning Commission recommend approval of the request, staff recommends the approval be subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

MOTION: To recommend denial of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CL-O) Zoning District.

Motion carried 5-1

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty
			Moved		Second		
Absent	Absent	Yes	Yes	Yes	Yes	Yes	No

Board Decision: Recommended Denial of an Official Zoning Map Amendment by a vote of 5-1-0.

MOTION: To recommend denial of a Class A Conditional Use to allow a Medical Office or Dental Office.

Motion carried 5-1

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty
			Moved		Second		
Absent	Absent	Yes	Yes	Yes	Yes	Yes	No

Board Decision: Recommended Denial of a Class A Conditional Use by a vote of 5-1-0.

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

ADJOURNMENT 12:42PM

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