

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, July 7, 2016**  
Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach FL 33411

**CALL TO ORDER**

**A. Roll Call 9:00 A.M.**

Commissioner, Sheri Scarborough, Chair	<b>Present</b>
Commissioner, Sam Caliendo, Vice Chair	<b>Absent</b>
Commissioner Amir Kanel	<b>Present</b>
Commissioner Joseph Snider	<b>Absent</b>
Commissioner William Anderson	<b>Present</b>
Commissioner Mark Beatty	<b>Present</b>
Commissioner Carmine Priore	<b>Present</b>
Commissioner Alex Brumfield III	<b>Absent</b>
Commissioner Robert Currie	<b>Present</b>

**B. Opening Prayer and Pledge of Allegiance**

**C. Remarks of the Chair**

**D. Proof of Publication** – Motion to receive and file carried – 6-0

**E. Adoption of the Minutes** – Motion carried – 6-0

**F. Swearing In**

**G. Disclosures** – Listed by Agenda Number

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

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

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

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

BCC District: 3

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

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

Motion carried 6-0

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

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

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS – NEW**

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

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

Pages 1 - 31

Conditions of Approval Pages (9 - 12)

Project Manager: Carlos Torres

Size: 2.65 acres +

BCC District: 7

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

**People who spoke on this application**

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

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

Motion carried 6-0

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

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

Motion carried 6-0

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

**DECISION: Recommended approval of an Official Zoning Map Amendment and a Class A Conditional Use with votes of 6-0.**

2. **ZV/DOAR-2015-01223** Title: a Type II Variance application of Colors Flying by Land Research Management Inc., Agent. Request: to allow a 100% utility easement overlap into existing perimeter buffers and Right of Way landscape buffers surrounding the site. Title: Development Order Amendment application of Colors Flying by Land Research Management Inc., Agent. Request: to reconfigure the site plan, amend Conditions of Approval (Engineering, Airports), and add a Requested Use. Title: a Requested Use application of Colors Flying by Land Research Management Inc., Agent. Request: to allow an Indoor Entertainment Use.

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

Pages 32 - 59

Conditions of Approval Pages (40 - 44)

Project Manager: Carrie Rechenmacher

Size: 6.60 acres

BCC District: 7

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

**People who spoke on this application**

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

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

Motion carried 6-0

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

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

Motion carried 6-0

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

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

Motion carried 6-0

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

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

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

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

Pages 60 - 73

Conditions of Approval Pages (64 - 65)

Project Manager: Diego Penaloza

Size: 0.49 acres +

BCC District: 1

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

**People who spoke on this application**

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

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

Motion carried 6-0

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

**Decision: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.**

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

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

Pages 74 - 104

Conditions of Approval Pages (80 - 81)

Project Manager: Carlos Torres

Size: 3.94 acres +

BCC District: 2

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

**People who spoke on this application**

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

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

Motion carried 6-0

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

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

Motion carried 6-0

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

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

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

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

Pages 105 - 126

Conditions of Approval Pages (109 - 113)

Project Manager: Osniel Leon

Size: 18.22 acres +

BCC District: 2

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

**People who spoke on this application**

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

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

Motion carried 6-0

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

**Decision: Recommended approval of a Development Order Amendment with a vote of 6-0.**

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

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

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

Pages 127 - 151

Conditions of Approval Pages (133 - 135)

Project Manager: Osniel Leon

Size: 30.00 acres +

BCC District: 1

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

**People who spoke on this application**

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

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

Motion carried 6-0

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

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

Motion carried 6-0

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

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

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS – NEW**

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

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

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

BCC District: 5

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

**People who spoke on this application**

Roger Ramdeen, Senior Site Planner – gave a brief presentation

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

Motion carried 5-0-1

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

**Decision: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.**

- 9. Z-2016-00337** Title: an Official Zoning Map Amendment application of Palm Beach County by Planning Zoning & Building, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District.

General Location: Approximately 1,900 ft east of State Road 7 on the south side of Boynton Beach Boulevard. **(PF at West Boynton)** (Control 1978-00098)

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

BCC District: 5

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

**People who spoke on this application**

Roger Ramdeen, Senior Site Planner – gave a brief presentation

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

Motion carried 5-0-1

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

**Decision: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.**

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

Pages 230 - 238

Conditions of Approval Pages (234 - 234)

Project Manager: Osniel Leon

Size: 1.00 acres +

BCC District: 5

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

**People who spoke on this application**

Roger Ramdeen, Senior Site Planner – gave a brief presentation

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

Motion carried 5-0-1

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

**Decision: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.**

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

Pages 239 - 247

Conditions of Approval Pages (243 - 243)

Project Manager: Osniel Leon

Size: 1.69 acres +

BCC District: 5

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



**People who spoke on this application**

Roger Ramdeen, Senior Site Planner – gave a brief presentation

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

Motion carried 5-0-1

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

**DECISION: Recommended approval of an Official Zoning Map Amendment with a vote of 6-0.**

12. **ZV/ABN/PDD/R-2015-02512** Title: a Type II Variance application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to allow an increase in the number of freestanding buildings and to eliminate foundation plantings. Title: a Development Order Abandonment application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to abandon Resolutions R-2005-1625 and R-2007-232 that allowed a General Daycare, Single Tenants exceeding 25,000 square feet (sq. ft.), and three Type I Restaurants. Title: an Official Zoning Map Amendment application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to allow a rezoning from the Traditional Market Place Development (TMD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer adjacent to Pod B (Civic Pod). Title: a Requested Use application of Boynton Beach Assoc XVIII LLLP by G.L. Homes, Agent. Request: to allow a General Daycare; a Type I Restaurant; and two Type II Restaurants.  
 General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road. **(Canyon Town Center MUPD)** (Control 2004-00471)

Pages 248 - 299

Conditions of Approval Pages (258 - 268)

Project Manager: Osniel Leon

Size: 125.82 acres +

BCC District: 5

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

**People who spoke on this application**

Roger Ramdeen, Senior Site Planner – gave a brief presentation

Kevin Ratterree, Agent – gave a brief presentation

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

Motion carried 5-0-1

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

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

Motion carried 5-0-1

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

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

Motion carried 5-0-1

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

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

Motion carried 5-0-1

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

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

13. **ZV/PDD-2015-01040** Title: a Type II Variance application of Meloche Rick J Trust & by Wantman Group Inc., Agent. Request: to allow additional hours of operation for a use within 250 feet of a residential district; to delete foundation planting; to delete terminal islands and associated landscape material, to reduce side setback adjacent to a residential district, and to allow shell rock instead of asphalt paving. Title: an Official Zoning Map Amendment to a Planned Development District application of Meloche Rick J Trust & by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR), Residential Single Family (RS) and Residential Transitional Urban (RTU) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.  
 General Location: Approximately 180 feet west of the Haverhill Road on the north side of Lantana Road. **(Able Lawnmower Sales and Service)** (Control 1982-00053)

Pages 300 - 347

Conditions of Approval Pages (312 - 316)

Project Manager: Carrie Rechenmacher

Size: 20.24 acres +

BCC District: 2

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

**People who spoke on this application**

Carrie Rechenmacher, Senior Site Planner – gave a presentation

Marty Perry, Agent – gave a presentation

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

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

Motion carried 5-0-1

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

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

Motion carried 5-0-1

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

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

14. **ZV/DOA-2016-00440** Title: a Type II Variance application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the number of parking spaces; to eliminate interior trees and shrubs; to eliminate the Type III Incompatibility buffer along the north property line and associated wall and plant material and, to allow a 6-foot high chain link fence in place of a wall within the Type III Incompatibility buffer along the south property line; to eliminate terminal and interior islands, and divider medians in all parking areas, except the visitor parking area. Title: a Development Order Amendment application of Florida Power and Light by Urban Design Kilday Studios, Agent. Request: to reconfigure site plan, and delete Conditions of Approval (Alternative Landscape Plan, and Engineering).  
 General Location: Approximately 0.5 miles south of Gateway Boulevard on the west side of Military Trail. **(Florida Power and Light Company-Boynton Beach Service Center)** (Control 1979-00191)

Pages 348 - 425

Conditions of Approval Pages (360 - 367)

Project Manager: Donna Adelsperger

Size: 17.12 acres +

(affected area 8.70 acres +)

BCC District: 5

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

Staff recommends denial of Type II Variances V5-V7.

**People who spoke on this application**

Roger Ramdeen, Senior Site Planner – gave a presentation

Joni Brinkman, Agent – gave a presentation

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

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

Motion carried 6-0

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

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

**E. SUBDIVISION VARIANCE**

**F. OTHER ITEMS**

**END OF REGULAR AGENDA**

## **COMMENTS**

### **A. COUNTY ATTORNEY**

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

### **B. ZONING DIRECTOR**

### **C. PLANNING DIRECTOR**

### **D. EXECUTIVE DIRECTOR**

### **E. COMMISSIONER COMMENTS**

**ADJOURNMENT – 10:34 a.m.**

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

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

### WHO MUST FILE FORM 8B

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

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

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

#### ELECTED OFFICERS:

- 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)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, MARK STEVEN BEATTY, hereby disclose that on July, 7, 20 16;

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- 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, FLORIDA, 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 ARCHITECTURAL FIRM HAS A CONTINUING CONTRACT WITH PALM BEACH COUNTY FACILITIES OPERATION AND DEVELOPMENT.**

Agenda July,7, 2016  
Items #8, 9, 10, 11

7/7/16  
Date Filed

[Handwritten Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME ANDERSON, WILLIAM, F	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ZONING COMMISSION
MAILING ADDRESS 7630 ARDWICK DRIVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY LAKE WORTH	COUNTY PALM BEACH
DATE ON WHICH VOTE OCCURRED 7/7/2016	NAME OF POLITICAL SUBDIVISION:  MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

### WHO MUST FILE FORM 8B

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

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

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

\* \* \* \* \*

#### **ELECTED OFFICERS:**

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)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, WILLIAM ANDERSON, hereby disclose that on JULY 7TH, 20 16:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, ERIC KLAUSMEYER \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

My nephew Eric Klausmeyer works for GL Homes.

*Agenda item #12*

*2V/ABN/PDD/R-2015-02512*

*7-7-2016*

Date Filed

*[Handwritten Signature]*  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.





**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, MARK STEVEN BEATTY, hereby disclose that on July, 7, 20 16 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- 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., 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:

**THE WANTMAN GROUP INC. PURCHASED THE STRUCTURAL ENGINEERING FIRM OF BRIDGE DESIGN. MY FIRM, ARCHITECTURE GREEN LLC. HAD PROFESSIONAL SERVICE CONTRACTS WITH BRIDGE DESIGN AND VICE VERSA. THESE CONTRACTS HAVE BEEN TRANSFERRED TO THE WANTMAN GROUP INC.**

Agenda July,7, 2016  
Items #13, ZV/PDD-2015-01040

7/7/16  
Date Filed

Mark Beatty  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.