

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**FRIDAY, DECEMBER 5, 2014**

9:00 A.M. Vista Center 1st Floor Hearing Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach FL 33411

**CALL TO ORDER**

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

Commissioner Alex Brumfield III, Chair	<b>Present</b>
Commissioner Mark Beatty, Vice Chair	<b>Present</b>
Commissioner Amir Kanel	<b>Present</b>
Commissioner Joseph Snider	<b>Present</b>
Commissioner William Anderson	<b>Present</b>
Commissioner Sam Caliendo	<b>Absent</b>
Commissioner Sheri Scarborough	<b>Present</b>
Commissioner Joanne Davis	<b>Arrived at 9:10 am</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 7-0

**E. Adoption of the Minutes** – Motion carried 7-0

**F. Swearing In**

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

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
None	2, 3, 4	None	Absent	None	None	None	None	None

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**B. REMANDS**

**C. WITHDRAWALS**

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

**CONSENT AGENDA**

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

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

- 1. **Z-2014-01627** Title: an Official Zoning Map Amendment application of 4730 Hypoluxo LLC by CMS Engineering LLC, Agent. Request: to allow a rezoning from the Commercial High Office (CHO) and the Agricultural Residential (AR) Zoning Districts to the Community Commercial (CC) Zoning District.

General Location: South side of Hypoluxo Road, approximately 1300 feet west of Military Trail (**Dazco Center**) (Control 2003-00040)

Pages 1 - 14

Conditions of Approval Pages (6-6)

Project Manager: Osniel Leon

Size: 3.04 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone and the 6 Conditions of Approval, as indicated in Exhibit C.

**People who spoke on application**

Pol Africano, Agent – In agreement with the Conditions of Approval.

**MOTION**: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Commercial High Office (CHO) and the Agricultural Residential (AR) Zoning Districts to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

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

**DECISION: Recommended Approval as Advertised 7-0**

**E. CORRECTIVE RESOLUTIONS**

**F. SUBDIVISION VARIANCE**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**The following three applications were presented and commented on together:**

- 1. **Z/COZ-2014-00938** Title: an Official Zoning Map Amendment application of Boynton Beach Associates XXII, LLLP by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District with a Conditional Overlay Zone (COZ).

General Location: Northwest corner of Lyons Road and Boynton Beach Boulevard. **(Amestoy AGR)** (Control 2005-00162)

Pages 15 – 36  
Conditions of Approval (20-22)  
Project Manager: Joyce Lawrence  
Size: 183.83 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone (COZ) subject to 9 Conditions of Approval as indicated in Exhibit C.

**People who spoke on application**

Wendy Hernandez, Zoning Manager – gave a presentation  
Kevin Ratterree, Agent – gave a presentation

Glen Harvie representing COBWRA, spoke in support of the application, stating that it has been approved by COBWRA and recommends that Lyons Road be expanded in this area with appropriate lighting in the future for safety.

From the public and speaking in opposition, Pam Martens, Russell Martens, Marcy Cohen, Jean Yerms, Paton White, C. Roy Snyder, Chris Lockhart, Richard Hatwick, and Edward Techmann cited concerns about loss of open space and agricultural land, destruction of the Ag Reserve, loss of habitat for animals, conservation easements, and harm to the environment.

Also speaking in opposition, Paula Davis, representing the Canyon Isles Home Owners Association, Drew Martin a volunteer from the Sierra Club, and Lisa Interlande representing the Everglades Law Center, stated their concerns about the need for upgraded infrastructure, farm jobs being lost, sea level rise and development impacts, drainage, conservation easements, and the parcels in question not promoting agricultural use. GL Homes agent, Kevin Ratterree, also responded to a member of the public, Steven Bass that Flavor Pict Road was on Palm Beach County’s Five Year Plan.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 5-2-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Recused	Absent	Yes	No	Yes	Yes	Yes
				Moved			Seconded	

**DECISION: Recommended Approval as Amended 5-2-1**

2. **PDD/DOA-2014-00939** Title: an Official Zoning Map Amendment to a Planned Development District application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to reconfigure the Master Plan to swap, add, and delete land area (preserve); re-allocate, and release recorded Conservation Easement; and amend Conditions of Approval (Planning).

General Location: South of Boynton Beach Boulevard and east of and adjacent to Lyons Road. **(Canyon Isles AGR PUD)** (Control 2002-00068)

Pages 37 – 103  
 Conditions of Approval (46 - 61)  
 Project Manager: Joyce Lawrence  
 Size: 264.00 acres ±

BCC District: 5, 6

Staff Recommendation: Staff recommends approval of requests subject to 1 Condition of Approval as indicated in Exhibit C-1 and 68 Conditions of Approval as indicated in the Exhibit C-2.

**People who spoke on application**

**\*This application was presented and commented on in conjunction with Items 2 and 4. Please see the summary for Item 2.**

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

Motion carried 5-2-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Recused	Absent	Yes	No	Yes	Yes	Yes
				Moved			Seconded	

**MOTION:** To recommend approval of the Development Order Amendment to reconfigure the Master Plan to swap, add, and delete land area (preserve); re-allocate, and release recorded Conservation Easement; and amend Conditions of Approval (Planning) subject to 68 Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-2-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Recused	Absent	Yes	No	Yes	Yes	Yes
				Moved			Seconded	

**DECISION: Recommended Approval as Advertised 5-2-1**

3. **ZV/PDD/DOA-2014-00940** Title: a Type II Variance application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to allow an increase in the building coverage for single-family units from 40 percent to 44 percent.

Title: an Official Zoning Map Amendment to a Planned Development District application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to reconfigure the Master Plan; add land area (Development and Preserve); add a model row; add an access point to release and amend Conservation Easements; add units; amend Conditions of Approval (Planning); and re-allocate land area.

General Location: South of Boynton Beach Boulevard at the terminus of Acme Dairy Road; North of Boynton Beach Boulevard and west of and adjacent to Lyons Road. **(Valencia Cove AGR-PUD)** (Control 2004-00369)

Pages 104 – 229  
 Conditions of Approval Pages (116-137)  
 Project Manager: Joyce Lawrence  
 Size: 2, 070.59 acres ±  
 (affected area 1,408.00 acres ±)

BCC District: 5, 6

Staff Recommendation: Staff recommends denial of the Type II Variance to allow an increase in the building coverage for single-family units from 40 percent to 44 percent and approval of the Official Zoning map Amendment subject to 1 Condition of Approval as indicated in Exhibit C-2, and approval of the Development Order Amendment subject to 57 Conditions of Approval as indicated in Exhibit C-3.

**People who spoke on application**

**\*This application was presented and commented on in conjunction with Items 2 and 3. Please see the summary for Item 2.**

**MOTION:** To adopt a resolution denying a Type II Variance to allow an increase in the building coverage for single-family units from 40 percent to 44 percent.

Motion carried 5-2-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Recused	Absent	Yes	No	Yes	Yes	Yes
				Moved			Seconded	

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

Motion carried 5-2-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Recused	Absent	Yes	No	Yes	Yes	Yes
				Moved			Seconded	

**MOTION:** To recommend approval of the Development Order Amendment o reconfigure the Master Plan; add land area (Development and Preserve); add a model row; add an access point to release and amend Conservation Easements; add units; amend Conditions of Approval (Planning); and re-allocate land area subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 5-2-1

Kanel	Snider	Anderson	Caliendo	Scarborough	Davis	Brumfield	Beatty	Currie
Yes	No	Recused	Absent	Yes	No	Yes	Yes	Yes
				Moved			Seconded	

**DECISION: Approved and Recommended Approval as Amended 5-2-1**

**D. ZONING APPLICATIONS - NEW**

**E. SUBDIVISION VARIANCE**

**F. OTHER ITEMS**

**END OF REGULAR AGENDA**

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

Wendy Hernandez, Zoning Manager, announced that the Code Revision Section would be contacting the members of the Architectural Subcommittee to meet again to discuss issues raised by the Board of County Commissioners at the December 4, 2014 Zoning BCC Hearing.

**C. PLANNING DIRECTOR**

**D. EXECUTIVE DIRECTOR**

**C. COMMISSIONER COMMENTS**

**ADJOURNMENT – 10:52 am**



**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 Floyd Anderson, hereby disclose that on December 5, 2014:

(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 GLI Homes  
The items before the board are agenda  
Items 2-4.

12-5-2014  
Date Filed

William F. Anderson  
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.