County Administrator

Verdenia C. Baker



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

ORDER OF BUSINESS ZONING COMMISSION PALM BEACH COUNTY, FLORIDA

TUESDAY. NOVEMBER 23, 2021 MINUTES

CALL TO ORDER

A. Roll Call 9:00 AM

Commissioner John Kern, Chair Present Commissioner Marcelle Griffith Burke, Vice Chair Present Commissioner John Kern **Present** Commissioner Michael Kelley Absent Commissioner Cheri Pavlik Present **Commissioner Mark Beatty** Present Commissioner Alex Brumfield Absent Commissioner Jess Sowards Present

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

Motion to receive and file, approved by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

- F. Swearing In
- G. Adoption of the Minutes

Motion approved by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

H. Amendments to the Agenda

Motion to move item 5 to the Postponements Agenda

Motion to move item 5 to the Postponement Agenda approved by a vote of 7-0-0.

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

I. Motion to adopt the Agenda, as amended

Motion to receive and file, approved by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

J. Disclosures

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
N/A	N/A	N/A	Absent	N/A	N/A	Absent	N/A	N/A

K. Conflicts/Recusal

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^{*}Commissioner Beatty filed 2 Memorandums of Voting Conflict Forms 8B (F.S. 112.3143) with Zoning Technician for item 2, TDD/DOA-2020-01444 Delray Marketplace Reserve, and 3 Z/CA-2020-01445 Atlantic Avenue Medical, prior to vote.

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

 ZV-2020-02120 <u>Title:</u> a Type 2 Variance application of West Atlantic Commercial Properties, LTD by WGINC, Agent. <u>Request:</u> to allow for the reduction in minimum lot size. <u>General Location:</u> North side of West Atlantic Avenue, approximately 0.25 miles west of South Military Trail. (**Delray Self Service Storage**) (Control 1994-00053)

Pages 133 - 150

Conditions of Approval Pages (136 - 136)

Project Manager: Imene Haddad

Size: 4.53 acres ± BCC District: 5

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

MOTION: To postpone to January 6, 2022 Zoning Commission Meeting made by Agent Yoan Machado due to extenuating circumstances - attempting further community outreach and the holidays.

Motion approved by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

Board Decision: Postponed to January 6, 2022 Zoning Commission 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

* Motion to pull item number 4 from the Consent Agenda and move it to the Regular Agenda.

Motion to move item 4 to the Regular Agenda approved by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

^{*} Motion to pull item number 7 from the Consent Agenda and move it to the Regular Agenda.

Motion to move item 7 to the Regular Agenda approved by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

 <u>CA-2021-01022</u> <u>Title:</u> a Class A Conditional Use application of Steven Cabral by Land Research Management Inc., Agent. <u>Request:</u> to allow a Limited Pet Boarding.
 <u>General Location:</u> South side of 77th Place North, approximately 0.09 miles east of Hall Road. (Fine Line Pet Boarding) (Control 2019-00115)

Pages 1 - 16

Conditions of Approval Pages (7 - 8) Project Manager: James Borsos

Size: 1.15 acres +

BCC District: 6

Page 4

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

MOTION: To recommend approval of a Class A Conditional Use to allow Limited Pet Boarding, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

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

D. ZONING APPLICATIONS - NEW

2. <u>TDD/DOA-2020-01444</u> <u>Title:</u> an Official Zoning Map Amendment application of TG Land LLC, West Boynton Farms Inc. by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to Agricultural Reserve Traditional Marketplace Development (AGR-TMD) Zoning District.

<u>Title:</u> a Development Order Amendment application of TG Land LLC, West Boynton Farms Inc. by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to modify the Site Plan to add and delete land area (Preserves); to allow for the release of a Conservation Easement; and, to modify Conditions of Approval.

<u>General Location:</u> North side Atlantic Avenue, approximately 0.28 miles west of Lyons Road. (**Delray Marketplace Preserve**) (Control 2004-00616)

Pages 17 - 76

Conditions of Approval Pages (26 - 41)

Project Manager: Timothy Haynes

Size: 97.66 acres <u>+</u> BCC District: 5,6

(affected area 2.05 acres +)

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

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

Motion carried by a vote of 6-0-1

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Recused	Yes

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

MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan to add and delete land area (Preserves); to allow for the release of a Conservation Easement; and, to modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 6-0-1

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Recused	Yes

Board Decision: Recommended Approval of a Development Order Amendment by a vote of 6-0-1.

3. **Z/CA-2020-01445** Title: an Official Zoning Map Amendment application of TG Land LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Traditional Marketplace Development (TMD) Zoning District to the Commercial Low Office (CLO) Zoning District.

<u>Title:</u> a Class A Conditional Use application of TG Land LLC by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to allow Medical Office.

<u>General Location:</u> North side Atlantic Avenue, approximately 0.28 miles west of Lyons Road. **(Atlantic Avenue Medical)** (Control 2020-00178)

Pages 77 - 98

Conditions of Approval Pages (86 - 88) Project Manager: Timothy Haynes

Size: 2.05 acres + BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the requests, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibits C -1 and C-2

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Traditional Marketplace Development (TMD) Zoning District to the Commercial Low Office (CLO) Zoning District, subject to a Conditional Overlay Zone and the Condition of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 6-0-1

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Recused	Yes

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

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

Motion carried by a vote of 6-0-1

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Recused	Yes

Board Decision: Recommended Approval of a Class A Conditional Use by a vote of 6-0-1.

6. **ZV/DOA/CA-2021-00407** Title: a Type 2 Variance application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to reduce the side and rear setbacks.

<u>Title:</u> a Development Order Amendment application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. <u>Request:</u> to modify the Site Plan; and, add square footage.

<u>Title:</u> a Class A Conditional Use application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. <u>Request:</u> to allow a Type 2 Restaurant in excess of 5,000 square feet.

<u>Title:</u> a Class A Conditional Use application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. <u>Request:</u> to allow a Type 2 Restaurant in excess of 5,000 square feet.

<u>General Location:</u> North side of SW 18th Street, approximately 300 feet east of Powerline Road. **(Wharfside at Boca Pointe)** (Control 1973-00085)

Pages 151 - 188

Conditions of Approval Pages (164 - 165)

Project Manager: James Borsos

Size: 10.03 acres +

BCC District: 4

<u>Staff Recommendation:</u> Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 through C-4.

MOTION: To adopt a Resolution approving a Type 2 Variance to reduce side and rear setbacks, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 7-0-0.

MOTION: To recommend approval of a Development Order Amendment to modify the site plan; and, add square footage, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

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

MOTION: To recommend approval of a Class A Conditional Use to allow a Type 2 Restaurant in excess of 5,000 square feet (Building A), subject to the Conditions of Approval as indicated in Exhibit C.-3

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

Board Decision: 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 Type 2 Restaurant in excess of 5,000 square feet (Building 3), subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

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

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

8. **SV-2021-01186** Title: a Subdivision Variance application of Brian Campbell by Land Research Management Inc., Agent. Request: to allow access from a 30-foot Right-of-Way.

<u>General Location:</u> West side of Davis Road, approximately 1,700 feet south of Lake Worth Road. **(Campbell Property TDR)** (Control 2021-00034)

Pages 207 - 220

Conditions of Approval Pages (210 - 210)

Project Manager: Scott Cantor

Size: 1.16 acres +

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

MOTION: To adopt a Resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way, subject to the Conditions of Approval as indicated in Exhibit C

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
	Second			Moved				
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

Board Decision: Adopted a Resolution Approving a Subdivision Variance by a vote of 7-0-0.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

 <u>ZV-2021-00831</u> <u>Title:</u> a Type 2 Variance application of KIR Boynton LP by Gunster Yoakley & Stewart PA, Agent. <u>Request:</u> to allow a 100% utility easement overlap of a Right-of-Way (R-O-W) buffer.

<u>General Location:</u> Southwest corner of Military Trail and Classico Place. **(7-Eleven at Boynton West Shopping Center)** (Control 1972-00051)

Pages 99 - 132

Conditions of Approval Pages (103 - 104)

Project Manager: Timothy Haynes

Size: 17.84 acres <u>+</u> BCC District: 5

(affected area 1.24 acres +)

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

MOTION: To adopt a Resolution approving a Type 2 Variance to allow a 100% utility easement overlap of a Right-of-Way (R-O-W) buffer, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
		Second					Moved	
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

Board Decision: Adopted a Resolution Approving a Type 2 Variance by a vote of 7-0-0.

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

7. <u>SV-2021-00459</u> <u>Title:</u> a Subdivision Variance application of Evergreen 1 LLC by Brahm Development LLC, Agent. <u>Request:</u> to allow access from a 30-foot Right-of-Way.

<u>General Location:</u> West side of Old Military Trail, approximately 600 feet north of Orlando Avenue. **(Evergreen Townhouse)** (Control 2019-00177)

Pages 189 - 206

Conditions of Approval Pages (192 - 192)

Project Manager: Scott Cantor

Size: 4.38 acres <u>+</u> BCC District: 7

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

MOTION: To adopt a Resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 7-0-0

Kern	Burke	Pavlik	Kelley	Caliendo	Scarborough	Brumfield	Beatty	Sowards
				Moved	Second			
Yes	Yes	Yes	Absent	Yes	Yes	Absent	Yes	Yes

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

- A. COUNTY ATTORNEY
- **B. ZONING DIRECTOR**
- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. COMMISSIONERS

ADJOURNMENT 9:34 AM

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS LAST NAME—FIRST NAME—MIDDLE NAME NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BEATTY MARK STEVEN PALM BEACH COUNTY ZONING COMMISSION THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: MAILING ADDRESS 2461 PALM HARBOR DRIVE **✓** COUNTY CITY OTHER LOCAL AGENCY CITY COUNTY NAME OF POLITICAL SUBDIVISION: PALM BEACH GARDENS, FLORIDA PALM BEACH DATE ON WHICH VOTE OCCURRED MY POSITION IS: ABSTAINED FROM VOTING 11-23-2021 ELECTIVE 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 NOVEMBER 23,	20 21 :
(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	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. RETAINED JMORTON PLANNING AND LAN ARCHITECTURE TO PROVIDE LANDSCAPE ARCHITECTURE SERVICES FOR CANY DISTRICT PARK.	
ZONING COMMISSION PUBLIC HEARING NOVEMBER 23, 2021 AGENDA ITEM #2 TDD/DOA-2020-01444 AGENDA ITEM #3 Z/CA-2020-01445	
Date Filed 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.

CE FORM 8B - EFF. 1/2000

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