

**PRELIMINARY MINUTES  
ZONING COMMISSION  
ZONING MEETING**

**THURSDAY, APRIL 2, 2015**  
Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach FL 33411

**CALL TO ORDER**

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

Commissioner Mark Beatty, Chair	<b>Present</b>
Commissioner Sheri Scarborough, Vice Chair	<b>Present- left at approx. 11:43 am</b>
Commissioner Amir Kanel	<b>Present</b>
Commissioner Joseph Snider	<b>Present</b>
Commissioner William Anderson	<b>Present-arrived at 9:21 am</b>
Commissioner Sam Caliendo	<b>Present-left at approx. 11:43 am</b>
Commissioner Tinu Peña	<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 – 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	Peña	Brumfield	Beatty	Currie
None	None	1, 8, 12	None	1, 9, 12	None	Absent	1, 9, 10	1

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**6. DOA-2014-02096 Title:** a Development Order Amendment application of Liberty Property Limited Partnership by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan, add square footage and modify Conditions of Approval (Use Limitation and Landscaping).

General Location: East of Jog Road; north side of Southern Boulevard. **(Southern Light Industrial Park)** (Control 2001-00064)

Pages 138 - 169

Conditions of Approval Pages (144 - 150)

Project Manager: Hank Flores

Size: 68.80 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 27 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To postpone to Thursday, May 7, 2015.

Motion carried 7-0

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

**DECISION: Postponed the request with a vote of 7-0.**

**B. REMANDS**

**C. WITHDRAWALS**

12. **ZV/W/PDD-2014-01878** Title: a Type II Variance application of 441 Acquisition, LLC by 441 Acquisition LLC, Agent. Request: to allow an increase in building coverage for single family lots.

Title: a Type II Waiver application of 441 Acquisition, LLC by 441 Acquisition LLC, Agent. Request: to allow 50% of the streets to terminate in cul-de-sacs.

Title: an Official Zoning Map Amendment to a Planned Development District application of 441 Acquisition, LLC by 441 Acquisition LLC, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

General Location: State Road 7 South of Atlantic Avenue. **(Liberty Trust AGR-PUD)** (Control 2013-00211)

Pages 356 - 412

Conditions of Approval Pages (366 - 374)

Project Manager: Joyce Lawrence

Size: 424.07 acres ±

BCC District: 5, 6

(affected area 282.01 acres +)

Staff Recommendation: Staff recommends approval of the Type II Waiver subject to 5 Conditions of Approval as indicated in Exhibit C-2 and approval of the Official Zoning Map Amendment subject to 26 Conditions of Approval as indicated in Exhibit C-3.

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.

**MOTION:** To withdraw the requests without prejudice.

Motion carried 7-0

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Yes	Yes	Absent	Yes	Yes	Yes	Absent	Yes	Yes
<b>M</b>			Seconded	Moved				

**DECISION: Application withdrawn without prejudice.**

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

**CONSENT AGENDA**

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

- 1. **DOA/R-2014-01619** Title: a Development Order Amendment application of Donna Klein Jewish Academy, Inc. by Land Design South Inc., Agent. Request: to modify the Master Site Plan, add square footage, and add a Requested Use.  
Title: a Requested Use application of Donna Klein Jewish Academy, Inc. by Land Design South Inc., Agent. Request: to allow an Elementary or Secondary School (Charter School).  
General Location: North of Happy Hollow Road, west of Lyons Road. **(Delray Marketplace - Happy Hollow Charter School)** (Control 2004-00616)
  
- 3. **PDD-2014-01122** Title: an Official Zoning Map Amendment to a Planned Development District application of Lois Dubois Ltd & William A. Sr Trust & HGC, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.  
General Location: South side of Flavor Pict Road and west of Military Trail. **(Flavor Pict Townhomes PUD)** (Control 2014-00064)

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

- 2. **CB-2014-02310** Title: a Class B Conditional Use application of J M A Properties Inc by Beril Kruger Planning Zoning Consultants, Agent. Request: to allow a Type II Kennel (Commercial).  
General Location: Approximately 1/8 mile east of Smith Sundry Road on the north side of West Atlantic Avenue. **(Angel Boarding Kennel II)** (Control 2013-0315)

Pages 45 - 60

Conditions of Approval Pages (49-50)

Project Manager: Melissa Matos

Size: 5.53 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 9 Conditions of Approval as indicated in Exhibit C.

**People who spoke on application**

Beril Kruger, Agent – in agreement with the Conditions of Approval except Engineering Conditions 2 and 3. Land Development Director Joanne Keller agreed on the removal of the Conditions.

**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow Type II Kennel (Commercial) subject to the Conditions of Approval as indicated in Exhibit C as amended.

Motion carried 7-0

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

**Decision: Approved the request as amended with a vote of 7-0.**

4. **CB-2014-02362** Title: a Class B Conditional Use application of WH Cleary LLC by Urban Design Kilday Studios, Agent. Request: to allow Chipping and Mulching and a Recycling Plant.

General Location: Northwest corner of the intersection of Wallis Road and Cleary Road. **(Hemstreet Park)** (Control 1979-00226)

Pages 96 – 117  
 Conditions of Approval Pages (102-106)  
 Project Manager: Osniel Leon  
 Size: 9.24 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval in Exhibit C-1 and 14 Conditions of Approval in Exhibit C-2.

**People who spoke on this application**

Joni Brinkman, Agent – in agreement with the Conditions of Approval.

**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow Chipping and Mulching subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0

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

**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow a Recycling Plant subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0

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

**DECISION: Approved the requests with votes of 7-0.**

5. **ZV-2014-02498** Title: a Type II Variance application of Jewish Community Facilities Corp by Land Design South Inc., Agent. Request: to allow an increase in fence height; allow the fence to be located on the property line; and allow the landscape material to be located on the inside of the fence.

General Location: Southeast of Glades Road; east of State Road 7 **(Rainberry PUD)** (Control 1984-00139)

Pages 118 - 137  
 Conditions of Approval Pages (124 - 124)  
 Project Manager: Hank Flores  
 Size: 24.32 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application**

Lindsay Libes, Agent – in agreement with the Conditions of Approval.

**MOTION:** To adopt a resolution approving Type II Variances to allow an increase in fence height, allow the fence to be located on the property line, and allow the landscape material to be located on the inside of the fence, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

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

**DECISION: Approved the requests with a vote of 7-0.**

**E. CORRECTIVE RESOLUTIONS**

**F. SUBDIVISION VARIANCE**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

- DOA/R-2014-01619** Title: a Development Order Amendment application of Donna Klein Jewish Academy, Inc. by Land Design South Inc., Agent. Request: to modify the Master Site Plan, add square footage, and add a Requested Use.  
Title: a Requested Use application of Donna Klein Jewish Academy, Inc. by Land Design South Inc., Agent. Request: to allow an Elementary or Secondary School (Charter School).  
General Location: North of Happy Hollow Road, west of Lyons Road. **(Delray Marketplace - Happy Hollow Charter School)** (Control 2004-00616)

Pages 1 – 44

Conditions of Approval Pages (7-25)

Project Manager: Osniel Leon

Size: 23.51 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 83 Conditions of Approval as indicated in Exhibit C-1 and 19 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on application**

Osniel Leon, Site Planner II – gave a brief presentation

Doug Murray, Agent – gave a presentation

John Gavenes of MG3 Developers answered questions about the project and explained that attempts have been made to reach out to the community.

From the public and speaking in opposition, Joseph O'Donnell and Lynn Guez cited concerns that the equine interests in the area had not been contacted, the loss of a trail system and suggested a postponement. Drew Martin from the Sierra Club also spoke in opposition, stating concerns about traffic, loss of agriculture, and loss of open land.

Dr. Lori Vinikoor, Executive Vice-President of the Alliance of Delray, spoke in support of the application.

**MOTION:** To recommend approval of a Development Order Amendment to modify the Master Site Plan, add square footage, and add a Requested Use subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

**MOTION:** To recommend approval of a Requested Use to allow an Elementary or Secondary School (Charter School) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried

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

**DECISION: Recommended approval of the requests with votes of 8-0.**

- 3. **PDD-2014-01122** Title: an Official Zoning Map Amendment to a Planned Development District application of Lois Dubois Ltd & William A. Sr Trust & HGC, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District.

General Location: South side of Flavor Pict Road and west of Military Trail. (**Flavor Pict Townhomes PUD**) (Control 2014-00064)

Pages: 61 – 95

Conditions of Approval Pages (67-70)

Project Manager: Joyce Lawrence

Size: 33.78 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 21 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application**

Joyce Lawrence, Site Planner II, gave a brief presentation

Wendy Tuma, Agent – gave a brief presentation

From the public and speaking in opposition, Stephen Smith cited concerns about over-development, lighting, that the buffer would not be adequate, loss of privacy and loss of property value.

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

Motion carried 8-0

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

**Decision: Recommended approval of the request with a vote of 8-0.**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

7. **Z-2014-02504** Title: an Official Zoning Map Amendment application of Palm Beach County by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) and Public Ownership (PO) Zoning Districts to the Public Ownership (PO) Zoning District. General Location: Southwest corner of the intersection of Jog Road and Morikami Park Road. **(Morikami Park Rezoning)** (Control 2010-00336)

Pages 170 - 183  
 Conditions of Approval Pages (174 - 174)  
 Project Manager: Osniel Leon  
 Size: 173.17 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 7 Voluntary Commitments as indicated in Exhibit C.

**People who spoke on application**

Osniel Leon, Site Planner II – gave a presentation  
 Eric McClellan, PBC Facilities and Operations Department – gave a presentation  
 Eric Hall, Director, PBC Parks and Recreation – answered questions about the application and stated that his department would be willing to meet with concerned residents

From the public and speaking in opposition, Rick Caster, Victoria Oberman, Ronni Musumeci, Sandra Tankoos, and Steve Mathison, cited concerns about commercial development in the park, increased traffic, loss of property values, plans for a hotel, bandshell or amphitheater, loss of wildlife, and suggested a postponement. Drew Martin of the Sierra Club also spoke in opposition and also suggested a postponement.

Alejandro Illan submitted a Public Comment Card in opposition.

Speaking in support, Morikami Park Trustees Dudley Omura and Greg Weiss stated that the rezoning is needed to bring the entire park under the same zoning district as required by state law. Delray Alliance President Bob Schulbaum urged approval of the rezoning request.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) and Public Ownership (PO) Zoning Districts to the Public Ownership (PO) Zoning District subject to the Voluntary Commitments as indicated in Exhibit C.

Motion carried 7-0-1

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

**Decision: Recommended approval of the request with a vote of 7-0-1.**

8. **ZV-2015-00126** Title: a Type II Variance application of Amerigrow Recycling by Dunay, Miskel, Backman, and Blattner LLP, Agent. Request: to eliminate the interior trees, the Right-of-Way Buffer along the south property line and the compatibility buffer along the north, east, and west property lines.

General Location: Approximately 1320 feet west of State Road 7 on the south side of West Atlantic Avenue. **(Amerigrow Recycling)** (Control 1993-00022)

Pages 184 - 220

Conditions of Approval Pages (189 - 189)

Project Manager: Donna Adelsperger

Size: 29.95 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the requests.

**People who spoke on application**

Donna Adelsperger, Site Planner I – gave a brief presentation

Bonnie Miskel, Agent – gave a presentation

From the public and speaking in opposition, Drew Martin of the Sierra Club and Dr. Lori Vinikoor, Executive Vice-President of the Delray Alliance cited concerns about the loss of wetlands, landscaping and vegetation to support wildlife, the odor, and the height of the stacks of material at the site.

**MOTION:** To adopt a resolution denying three Type II Variances to eliminate the number of on-site trees within the mitigated wetlands area; the Right-of-Way Buffer along the south property line; and the 5-foot compatibility buffer along the east, west and the eastern 1,320 feet of the north property line

Motion carried 5-1

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

**DECISION: Request Denied with a vote of 5-1.**

9. **SV/DOA/CA-2014-02087** Title: a Development Order Amendment application of Atlantic Commons Associates LLLP by Atlantic Commons Associates LLLP, Agent. Request: to allow direct access to a major street (Atlantic Avenue) and to allow access on both a lower and higher classification of streets.

Title: a Development Order Amendment application of Atlantic Commons Associates LLLP by Atlantic Commons Associates LLLP, Agent. Request: to modify Conditions of Approval (Engineering).

Title: a Class A Conditional Use application of Atlantic Commons Associates LLLP by Atlantic Commons Associates LLLP, Agent. Request: to allow a Type I Restaurant with drive thru.

General Location: West of Stone Quarry Boulevard; north of Atlantic Avenue. **(Atlantic Commons Commercial)** (Control 2012-00646)

Pages 221 - 259

Conditions of Approval Pages (229 - 235)

Project Manager: Osniel Leon

Size: 4.99 acres ±

BCC District: 5

Staff Recommendation: Staff recommends denial of the Subdivision Variance. Staff recommends approval of the requests of the Development Order Amendment and the Class A Conditional Use subject to the 10 Conditions of Approval as indicated in Exhibit C-2, and 8 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on application

Osniel Leon, Site Planner II – gave a brief presentation

Kevin Ratterree, Agent – gave a brief presentation

Dr. Lori Vinikoor, Executive Vice-President of the Delray Alliance, spoke in support of the application.

Drew Martin of the Sierra Club stated that he supported Staff’s recommendations.

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow direct access to a major street (Atlantic Avenue) and to allow access on both a lower and higher classification of streets as amended.

Motion carried 5-0-1

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

**MOTION:** To recommend approval of a Development Order Amendment to modify Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-1

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

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

Motion carried 5-0-1

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

**DECISION: Approved the Subdivision Variance as amended and recommended approval of the requests of the Development Order Amendment and the Class A Conditional Use with votes of 5-0-1.**

**ADJOURNMENT – 12:51 pm**

***The April 2, 2015 Zoning Commission Hearing was adjourned at 12:51 pm due to loss of quorum and set a continuation Hearing date of Monday, April 6, 2015.***

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>MARK BEATTY STEVEN</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>ZONING COMMISSION</b>
MAILING ADDRESS <b>2961 PALM HARBOR DRIVE</b>	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 <b>PALM BEACH GARDENS PB</b>	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED <b>APRIL / 02 / 2015</b>	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 S. BEATTY, hereby disclose that on APRIL 02, 20 15:

(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 BUSINESS ARCHITECTURE GREEN LLC. HOLDS A CONTRACT WITH PALM BEACH COUNTY.

APRIL 02 / 2015  
Date Filed

[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 <i>Andersen William Floyd</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Zoning Commission</i>
MAILING ADDRESS <i>7630 Ardwick Dr</i>	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 <i>Lake Worth      Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED <i>4-2-2015</i>	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 April 2, 20 15:

(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 Hausmayer \_\_\_\_\_;
- 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 works for GL Homes

4-2-2015  
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.

**PRELIMINARY MINUTES  
ZONING COMMISSION (Continuation)  
ZONING MEETING**

**MONDAY, APRIL 6, 2015**  
Room, VC-1W-47  
2300 N. Jog Road, West Palm Beach FL 33411

**CALL TO ORDER**

**A. Roll Call 9:11 A.M.**

Commissioner Mark Beatty, Chair	<b>Present</b>
Commissioner Sheri Scarborough, Vice Chair	<b>Present</b>
Commissioner Amir Kanel	<b>Absent</b>
Commissioner Joseph Snider	<b>Present</b>
Commissioner William Anderson	<b>Absent</b>
Commissioner Sam Caliendo	<b>Present</b>
Commissioner Tinu Peña	<b>Absent</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. Swearing In**

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

Kanel	Snider	Anderson	Caliendo	Scarborough	Peña	Brumfield	Beatty	Currie
Absent	None	Absent	None	1, 9, 12	Absent	Absent	1, 9, 10	1

**This Hearing was convened as a continuation of the April 2, 2015 Zoning Commission to complete the remaining items on the Agenda that were not heard due to a loss of quorum.**

**REGULAR AGENDA**

**D. ZONING APPLICATIONS - NEW**

- 10. SV/ABN/PDD/R-2014-01882 Title:** a Subdivision Variance application of Bethel Assembly of Lake Worth FL Inc - Mike Brummitt, Silverstone Healthcare Company, LLC by Urban Design Kilday Studios, Agent. Request: to allow direct access to a major street (Lake Worth Road), and to allow access on both a lower and higher classification of streets.  
Title: a Development Order Abandonment application of Bethel Assembly of Lake Worth FL Inc- Mike Brummitt, Silverstone Healthcare Company, LLC by Urban Design Kilday Studios, Agent. Request: to abandon a Class A Conditional Use granted under Resolution R-2005-2277 to allow a Place of Worship.  
Title: an Official Zoning Map Amendment to a Planned Development District application of Bethel Assembly of Lake Worth FL Inc - Mike Brummitt, Silverstone Healthcare Company, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District.  
Title: a Requested Use application of Bethel Assembly of Lake Worth FL Inc – Mike Brummitt, Silverstone Healthcare Company, LLC by Urban Design Kilday Studios, Agent. Request: to allow a Type 3 Congregate Living Facility (CLF).  
General Location: North side of Lake Worth Road approximately 1275 lineal feet east of Lyons Road. **(HarborChase of Wellington Crossing)** (Control 2004-00009)

Pages 260 - 311  
Conditions of Approval Pages (270 - 276)  
Project Manager: Joyce Lawrence  
Size: 18.28 acres ±

BCC District: 6

**Staff Recommendation:** Staff recommends denial of the Subdivision Variance request; and approval of the requests subject to 19 Conditions of Approval as indicated in Exhibit C-2 and 4 Conditions of Approval as indicated in Exhibit C-3.

**People who spoke on application**

Joyce Lawrence, Site Planner II – gave a brief presentation  
 Chris Barry, Agent – gave a brief presentation

One Public Comment Card was submitted on April 2, 2015 by Onita Ruszczyk.

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow direct access to a major street (Lake Worth Road) and to allow access on both a lower and higher classification of streets as amended.

Motion carried 4-1

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

**MOTION:** To recommend approval of a Development Order Abandonment to abandon a Class A Conditional Use granted under Resolution R-2005-2277 to allow a Place of Worship.

Motion carried 5-0

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

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

Motion carried 5-0

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

**MOTION:** To recommend approval of a Requested Use to allow a Type 3 Congregate Living Facility (CLF) subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 5-0

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

**DECISION: Approved the Subdivision Variance as amended with a vote of 4-1 and Recommended approval of the Development Order Abandonment, Official Zoning Map Amendment, and the Requested Use with votes of 5-0.**

- 11. **DOA-2014-01615** Title: Development Order Amendment application of Cheney 109 LLC by Land Design South Inc., Agent. Request: to reconfigure the Master Plan, change unit type, reduce the number of units, and modify and delete Conditions of Approval (Planning and Dumpster).

**General Location:** East and west sides of Jog Road, south of Southern Boulevard and the C-51 Canal. **(Cheney Ranch)** (Control 2008-00290)

Pages 312 - 355  
 Conditions of Approval Pages (321 - 326)  
 Project Manager: Joyce Lawrence  
 Size: 40.88 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to 26 Conditions of Approval as indicated in Exhibit C.

**People who spoke on application**

Joyce Lawrence, Site Planner II – gave a brief presentation  
 Brian Terry, Agent – gave a brief presentation

From the public, George Humphries, President of the West Gun Club Road Property Owners Association, spoke in support of the application.

**MOTION:** To recommend approval of the Development Order Amendment to reconfigure the Master Plan, change unit type, reduce the number of units, and modify and delete Conditions of Approval (Planning and Dumpster) as indicated in Exhibit C.

Motion carried 5-0

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

**DECISION: Recommended approval with a vote of 5-0.**

**E. SUBDIVISION VARIANCE**

**F. OTHER ITEMS**

13. **RUOT-2015-00572** Title: Release of Unity of Title application of JAG Palm Beach Replacement, LLC by Shutts & Bowen, LLP, Agent. Request: to release a Unity of Title.

General Location: 7000 Okeechobee Boulevard. (JAG Palm Beach Replacement) (Control 2015-00044)

Project Manager: Jan Rodriguez  
 Size: 13.82 acres ±  
 Pages 413 – 422

BCC District: 2

**MOTION:** To approve the Release of Unity of Title.

Motion carried 5-0

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

**DECISION: Approved with a vote of 5-0.**

**END OF REGULAR AGENDA**

**COMMENTS**

**A. COUNTY ATTORNEY**

**A. ZONING DIRECTOR**

**B. PLANNING DIRECTOR**

**C. EXECUTIVE DIRECTOR**

**D. COMMISSIONER COMMENTS**

**ADJOURNMENT – 9:40 am**