

**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	Present
Commissioner, Sam Caliendo, Vice Chair	Absent
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Absent
Commissioner William Anderson	Present
Commissioner Mark Beatty	Present
Commissioner Carmine Priore	Present
Commissioner Alex Brumfield III	Absent
Commissioner Robert Currie	Present

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.

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.

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.