

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, NOVEMBER 3, 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 Mark Beatty	Present
Commissioner Sheri Scarborough, Chair	Present
Commissioner Amir Kanel	Present
Commissioner Joseph Snider	Present
Commissioner William Anderson	Present
Commissioner Sam Caliendo, Vice Chair	Present
Commissioner Carmine Priore	Absent
Commissioner Alex Brumfield III	Present
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 – 8-0

E. Adoption of the Minutes – Motion carried – 8-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

Kanel	Snider	Anderson	Caliendo	Scarborough	Priore	Brumfield	Beatty	Currie
12	None	8, 12	13	12, 13	Absent	10	8, 12, 13	13

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **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 1 - 1
Project Manager: Joyce Lawrence
Size: 543.60 acres ±
(affected area 12.12 acres ±)

BCC District: 3

Staff Recommendation: Staff recommends postponement to Friday, December 2, 2016.

MOTION: To postpone to Friday, December 2, 2016.

Motion carried 8-0

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

Decision: Postponed to Friday December 2, 2016.

2. **ZV/DOA/R-2015-02348** Title: a Type II Variance application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a reduction in number of parking spaces and the width of a Right-of-Way buffer.
Title: a Development Order Amendment application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure Site Plan, add square footage and fueling stations, add a Requested Use, and modify Conditions of Approval (Engineering).
Title: a Requested Use application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a Convenience Store with Gas Sales.
General Location: East side of State Road 7 south of Southern Boulevard. **(Western Plaza-First Coast Energy Convenience Store No. 2719)** (Control 1977-00048)

Pages 2 - 2

Project Manager: Carlos Torres

Size: 32.86 acres ±

(affected area 1.15 acres ±)

BCC District: 6

Staff Recommendation: Staff recommends a postponement to Friday, December 2, 2016.

MOTION: To postpone to Friday, December 2, 2016.

Motion carried 8-0

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

Decision: Posponed to Friday December 2, 2016.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

7. **ZV/DOA-2015-02529** Title: a Type II Variance application of Congregation Aitz Chaim Of WPB Inc by Kaller & Associates, Agent. Request: to allow a reduction in the width of a Type II Incompatibility Buffer.
Title: a Development Order Amendment application of Congregation Aitz Chaim Of WPB Inc by Kaller & Associates, Agent. Request: to reconfigure the site plan, add square footage and add land area.
General Location: East side of Haverhill Road, approximately 2,600 feet north of Okeechobee Boulevard. **(Mikv Ah Aitz Chaim)** (Control 1984-00153)
8. **SV/Z/CA-2016-00843** Title: a Subdivision Variance application of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow a 60-foot residential access street to exceed the maximum allowable Average Daily Trips (ADTs).
Title: an Official Zoning Map Amendment application of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single-Family (RS) Zoning District.
Title: a Class A Conditional Use application of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow Zero Lot Line (ZLL) residential.
General Location: Approximately 0.25 miles south of Summit Boulevard on Ranchette Road. **(Ranchette Lake)** (Control 1975-00162)
9. **ZV/Z/DOA/CA-2016-01040** Title: a Type II Variance application of Ldr Academy Inc by Carlton Fields P.A., Agent. Request: to allow a reduction of the setback of a recreational amenity from a residential property line; and to allow a reduction of a Right of Way (ROW) Buffer.
Title: an Official Zoning Map Amendment application of Ldr Academy Inc by Carlton Fields P.A., Agent. Request: to allow a rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District.
Title: Development Order Amendment application of Ldr Academy Inc by Carlton Fields P.A., Agent. Request: to reconfigure the site plan, add a Conditional Use, amend Conditions of Approval (Building and Site Design), and to reduce the number of students.
Title: a Class A Conditional Use application of Ldr Academy Inc by Carlton Fields P.A., Agent. Request: to allow a Private School.
General Location: Northwest corner of Ridge Road and US Highway 1. **(Batt School)** (Control 1992-00049)
11. **ZV/DOA/R-2016-00660** Title: a Type II Variance application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to allow mountable curbing.
Title: a Development Order Amendment application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan; add square footage; add a Requested Use; and, to modify and delete Conditions of Approval (Landscaping).
Title: a Requested Use application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to allow Auto Paint and Body.
General Location: Northeast corner of Gun Club Road and Congress Avenue. **(CHS Properties MUPD)** (Control 1998-00089)

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

3. **ZV/CB/Z/CA-2015-02346** Title: a Type II Variance application of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow a reduction in building frontage and an increase in the build-to line setback.
Title: a Class B Conditional Use application of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow a Car Wash.
Title: an Official Zoning Map Amendment application of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) and the Residential Multi-family (RM) Zoning Districts to the General Commercial (CG) Zoning District.

Title: a Class A Conditional Use application of Chinhoi of The Palm Beaches LLC by PLACE Planning & Design, Agent. Request: to allow General Repair and Maintenance.
General Location: Intersection of Cherry Road and North Congress Avenue. **(Speedy Tires)**
 (Control 2009-02311)

Pages 3 - 45
 Conditions of Approval Pages (12 - 17)
 Project Manager: Roger Ramdeen
 Size: 2.61 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; 9 Conditions of Approval as indicated in Exhibit C-2; 1 Condition of Approval as indicated in Exhibit C-3; and 9 Conditions of Approval indicated in Exhibit C-4.

MOTION: To adopt a resolution for Type II Variances to allow a reduction in building frontage and an increase in the build-to line setback subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

MOTION: To adopt a resolution for a Class B Conditional Use to allow a Car Wash subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

Decision: Recommended Approval of a Class B Conditional Use with a vote of 8-0-0

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) and the Residential Multi-family (RM) Zoning Districts to the General Commercial (CG) Zoning District subject to the Condition of Approval as indicated in Exhibit C-3.

Motion carried 8-0

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

Decision: Recommended Approval of an Official Zoning Map Amendment with a vote of 8-0-0

MOTION: To recommend approval for a Class A Conditional Use to allow General Repair and Maintenance subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 8-0

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

Decision: Recommended Approval of a Class A Conditional Use with a vote of 8-0-0

D. ZONING APPLICATIONS – NEW

- ZV-2015-02173** Title: a Type II Variance application of Autonation Imports of Palm Beach Inc by Mark Brenchley Planning Consultants, Agent. Request: to allow an increase in sign height for a sign in the MUPD Zoning District and adjacent to Residential.

General Location: Southeast corner of Okeechobee Boulevard and Citation Drive. **(Lexus of Palm Beach)** (Control 1975-00072)

Pages 46 - 68
Conditions of Approval Pages (51 - 52)
Project Manager: Diego Penaloza
Size: 17.73 acres ±

BCC District: 2

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

People who spoke on this application

Mark Brentley, Agent – In agreement with Conditions of Approval.

MOTION: To adopt a resolution approving a Type II Variance to allow an increase in sign height for a sign in the MUPD Zoning District and adjacent to Residential subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

- 5. **ABN/DOA/R-2016-00438** Title: a Development Order Abandonment application of Boca SVP LLC by Nichols Page Design Associates, Agent. **Request:** to abandon R-1995-1017 approving a Development Order Amendment/Expedite Application Consideration (EAC) for a Requested Use to allow Indoor Entertainment.

Title: a Development Order Amendment application of Boca SVP LLC by Nichols Page Design Associates, Agent. **Request:** to reconfigure the master and site plans and add a Requested Use.

Title: a Requested Use application of Boca SVP LLC by Nichols Page Design Associates, Agent. **Request:** to allow a Type II Restaurant.

General Location: Approximately 2,500 feet west of the intersection of SW 18th Street and Military Trail on the south side of SW 18th Street. **(Fuji Yama Restaurant)** (Control 1984-00152)

Pages 69 - 91
Conditions of Approval Pages (75 - 78)
Project Manager: Joyce Lawrence
Size: 1,945.96 acres ±
(affected area 7.00 acres ±)

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests to subject to 24 Conditions 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

Richard L. Roth, Agent – In agreement with Conditions of Approval.

MOTION: To recommend approval of a Development Order Abandonment to abandon R-1995-1017 approving a Development Order for a Development Order Amendment/Expedite Application Consideration (EAC) for a Requested use to allow Indoor Entertainment.

Motion carried 8-0

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

Decision: Recommended Approval of a Development Order Abandonment with a vote of 8-0-0

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan 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	Priore	Brumfield	Beatty	Currie
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
		Moved					Seconded	

Decision: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

MOTION: To recommend approval of a Requested Use to allow a Type II Restaurant subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

Decision: Recommended Approval of a Requested Use with a vote of 8-0-0

6. **ABN/PDD/DOA-2016-01248** Title: a Development Order Abandonment application of Lennar Homes LLC, Verzaal Family Ltd Ptnrshp by Urban Design Kilday Studios, Agent. Request: to abandon Resolution ZR-95-03 which approved a Class B Conditional Use for a Wholesale Nursery.

Title: an Official Zoning Map Amendment application of Lennar Homes LLC, Verzaal Family Ltd Ptnrshp by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Development Order Amendment application of Lennar Homes LLC, Verzaal Family Ltd Ptnrshp by Urban Design Kilday Studios, Agent. Request: to reconfigure the Master Plan; add land area; modify and delete Conditions of Approval (Landscaping, Engineering); add units; and restart the Commencement of Development clock.

General Location: On the south side of Flavor Pict Road, approximately 1,158 feet west of Military Trail. **(Flavor Pict Townhomes PUD)** (Control 2014-00064)

Pages 92 - 123

Conditions of Approval Pages (100 - 106)

Project Manager: Josue Leger

Size: 38.48 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition 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

Wendy Tuma, Agent – In agreement with Conditions of Approval.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Recommended Approval of an Official Zoning Map Amendment with a vote of 8-0-0

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; add land area; modify and delete Conditions of Approval (Landscaping, Engineering); add units; and restart the Commencement of Development clock subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

Decision: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon Resolution ZR-95-03 which approved a Class B Conditional Use for a Wholesale Nursery.

Motion carried 8-0

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

Decision: Approved a Development Order Abandonment with a vote of 8-0-0

10. **ZV/DOA-2016-00657** Title: a Type II Variance application of EFN Northfield Property LLC by Miller Permitting and Land Development LLC, Agent. Request: to allow a reduction in the width of the Right-of-Way (ROW) and Type 2 Incompatibility Buffers; the elimination of shrubs in the Type 2 Incompatibility Buffer; a reduction in interior and terminal landscape island width; and a reduction of freestanding sign minimum separation from a residential district.

Title: a Development Order Amendment application of EFN Northfield Property LLC by Miller Permitting and Land Development LLC, Agent. Request: to reconfigure the Site Plan; and add square footage.

General Location: Southwest corner of Northlake Boulevard and Lyndall Lane. **(Napleton Kia)** (Control 1987-00041)

Pages 237 - 287

Conditions of Approval Pages (247 - 253)

Project Manager: Josue Leger

Size: 10.56 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1; and 18 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Rebecca Miller, Agent – In agreement with Conditions of Approval.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the width of the Right-of-Way (ROW) and Type 2 Incompatibility Buffers; the elimination of shrubs in the Type 2 Incompatibility Buffer; a reduction in interior and terminal landscape island width; and a reduction of freestanding sign minimum separation from a residential district subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

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

Motion carried 8-0

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

Decision: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCES

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

7. **ZV/DOA-2015-02529** Title: a Type II Variance application of Congregation Aitz Chaim Of WPB Inc by Kaller & Associates, Agent. Request: to allow a reduction in the width of a Type II Incompatibility Buffer. Title: a Development Order Amendment application of Congregation Aitz Chaim Of WPB Inc by Kaller & Associates, Agent. Request: to reconfigure the site plan, add square footage and add land area.
General Location: East side of Haverhill Road, approximately 2,600 feet north of Okeechobee Boulevard. **(Mikv Ah Aitz Chaim)** (Control 1984-00153)

Pages 124 - 154
 Conditions of Approval Pages (131 - 135)
 Project Manager: Yoan Machado
 Size: 3.73 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the requests subject 7 Conditions of Approval as indicated in Exhibit C-1 and 18 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Joe Kaler, Agent – In agreement with Conditions of Approval.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the width of a Type II Incompatibility Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

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

Motion carried 8-0

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

Decision: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

8. **SV/Z/CA-2016-00843** Title: a Subdivision Variance application of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow a 60-foot residential access street to exceed the maximum allowable Average Daily Trips (ADTs). Title: an Official Zoning Map Amendment application of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single-Family (RS) Zoning District. Title: a Class A Conditional Use application of Wallace Sease, Lichtenstein Nancy by Wantman Group Inc., Agent. Request: to allow Zero Lot Line (ZLL) residential.
General Location: Approximately 0.25 miles south of Summit Boulevard on Ranchette Road. **(Ranchette Lake)** (Control 1975-00162)

Pages 155 - 198
 Conditions of Approval Pages (164 - 168)
 Project Manager: Roger Ramdeen
 Size: 9.66 acres ±

BCC District: 2

Staff Recommendation: Staff recommends the approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1, 1 Condition of Approval as indicated in Exhibit C-2 and 16 Conditions of Approval as indicate in Exhibit C-3.

People who spoke on this application

Jeff Brophy, Agent – In agreement with the Conditions of Approval.
 Roger Ramdeen, Senior Planner – Gave a brief presentation.

From the public and spoke in opposition: Sharon Ghioto, Vicky Byrne and Arthur Donegan regarding of the traffic increase and the danger it will cause since it is not a wide road.

MOTION: To adopt a resolution approving a Subdivision Variance to allow a 60-foot residential access street to exceed the maximum allowable Average Daily Trips (ADTs') subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0-1

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

Decision: Recommended Approval of a Subdivision Variance with a vote of 7-0-1

MOTION: To recommend approval for an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single-Family (RS) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 7-0-1

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

Decision: Recommended Approval of an Official Zoning Map Amendment with a vote of 7-0-1

MOTION: To recommend approval for a Class A Conditional Use to allow Zero Lot Line (ZLL) residential subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 7-0-1

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

Decision: Recommended Approval of a Class A Conditional Use with a vote of 7-0-1

- ZV/Z/DOA/CA-2016-01040** **Title:** a Type II Variance application of Ldr Academy Inc by Carlton Fields P.A., Agent. **Request:** to allow a reduction of the setback of a recreational amenity from a residential property line; and to allow a reduction of a Right of Way (ROW) Buffer.
Title: an Official Zoning Map Amendment application of Ldr Academy Inc by Carlton Fields P.A., Agent. **Request:** to allow a rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District.
Title: Development Order Amendment application of Ldr Academy Inc by Carlton Fields P.A., Agent. **Request:** to reconfigure the site plan, add a Conditional Use, amend Conditions of Approval (Building and Site Design), and to reduce the number of students.
Title: a Class A Conditional Use application of Ldr Academy Inc by Carlton Fields P.A., Agent. **Request:** to allow a Private School.
General Location: Northwest corner of Ridge Road and US Highway 1. **(Batt School)** (Control 1992-00049)

Pages 199 - 236
 Conditions of Approval Pages (207 - 214)
 Project Manager: Josue Leger
 Size: 2.13 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1; 1 Conditions of Approval as indicated in Exhibit C-2; 19

Conditions of Approval as indicated in Exhibit C-3; and 10 Conditions of Approval as indicated in Exhibit C-4.

People who spoke on this application

Josue Leger, Site Planner II – Gave a brief presentation.
 Joe Verdone, Agent – In agreement with the Conditions of Approval.

From the public and spoke in opposition: Phillip Crenshaw.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction of the setback of a recreational amenity from a residential property line; and to allow a reduction of a Right of Way (ROW) Buffer subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

Decision: Recommended Approval of an Official Zoning Map Amendment with a vote of 8-0-0

MOTION: To recommend approval of a Development Order Amendment to reconfigure the site plan, add a Conditional Use, amend Conditions of Approval (Building and Site Design), and to reduce the number of students subject to Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

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

Decision: Recommended Approval of Development Order Amendment with a vote of 8-0-0

MOTION: To recommend approval of a Class A Conditional Use to allow a Private School subject to Conditions of Approval as indicated in Exhibit C-4.

Motion carried 8-0

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

Decision: Recommended Approval of a Class A Conditional Use with a vote of 8-0-0

11. **ZV/DOA/R-2016-00660** Title: a Type II Variance application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to allow mountable curbing.

Title: a Development Order Amendment application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to reconfigure the site plan;

add square footage; add a Requested Use; and, to modify and delete Conditions of Approval (Landscaping).

Title: a Requested Use application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc by Jon E Schmidt & Associates, Agent. Request: to allow Auto Paint and Body.

General Location: Northeast corner of Gun Club Road and Congress Avenue. **(CHS Properties MUPD)** (Control 1998-00089)

Pages 288 - 355

Conditions of Approval Pages (295 - 313)

Project Manager: Yoan Machado

Size: 27.55 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 9 Conditions of Approval as indicated in Exhibit C-1, 74 Conditions of Approval as indicated in Exhibit C-2 and 7 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on this application

Yoan Machado, Site Planner II – Gave a brief presentation.

Josh Nichols, Agent – In agreement with Conditions of Approval.

From the public and spoke in opposition - Steven Thibodeau, concerned about the sound barrier between the warehouse and residential property to the west.

MOTION: To adopt a resolution approving a Type II Variance to allow mountable curbing subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

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

Motion carried 8-0

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

Decision: Recommended Approval of a Development Order Amendment with a vote of 8-0-0

MOTION: To recommend approval for a Requested Use to allow Auto Paint and Body subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

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

Decision: Recommended Approval of a Requested Use with a vote of 8-0-0

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- ZV/ABN/CA-2016-00444** Title: a Type II Variance application of Rex & Rex Unlimited Inc by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the width of Right of Way and Compatibility buffers, to allow easements overlap in perimeter buffers and foundation planting, a reduction in setbacks; an increase in wall signage, and reduction of lot depth.

Title: a Development Order Abandonment application of Rex & Rex Unlimited Inc by Cotleur & Hearing Inc., Agent. Request: to abandon resolution R-1984-1843.

Title: a Class A Conditional Use application of Rex & Rex Unlimited Inc by Cotleur & Hearing Inc., Agent. Request: to allow General Repair and Maintenance.

General Location: Northeast corner of Northlake Boulevard and Silverthorne Drive. **(Tire Kingdom)** (Control 1984-00048)

Pages 356 - 411

Conditions of Approval Pages (366 - 370)

Project Manager: Carlos Torres

Size: 1.05 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 9 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

Carlos Torres, Site Planner II – Gave a brief presentation.

Donaldson Hearing, Agent – In Agreement with Conditions of Approval.

Yexsy Shomberg, Agent - Gave a brief presentation.

From the public and spoke in opposition: Kenneth White and Lisa Walker, concerned about traffic, noise.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in the width of Right of Way and Compatibility buffers, to allow easements overlap in perimeter buffers and foundation planting, a reduction in setbacks; and reduction of lot depth subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

MOTION: To recommend approval of a Development Order Abandonment to abandon Resolution R-1984-1843.

Motion carried 8-0

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

Decision: Recommended Approval of a Development Order Abandonment with a vote of 8-0-0

MOTION: To deny an increase in wall signage

Motion carried 8-0

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

Decision: Approved a Type II Variance (with conditions) with a vote of 8-0-0

MOTION: To recommend approval of a Class A Conditional Use to allow General Repair and Maintenance subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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

Decision: Recommended Approval of a Class A Conditional Use with a vote of 8-0-0

D. ZONING APPLICATIONS – NEW

13. **SV/CB/CA-2016-00447** Title: a Subdivision Variance application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow access directly to a major street.

Title: a Class B Conditional Use application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a Daycare General.

Title: a Class A Conditional Use application of Divine Savior Lutheran Church & Academy by Miller Permitting and Land Development LLC, Agent. Request: to allow a Private School and Place of Worship.

General Location: On the east side of Lyons Road approximately 1 mile south of West Atlantic Avenue. **(Divine Savior Academy)** (Control 2013-00168)

Pages 412 - 464

Conditions of Approval Pages (422 - 437)

Project Manager: Diego Penalosa

Size: 9.67 acres +

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1, 20 Conditions of Approval as indicated in Exhibit C-2, 23 Conditions of Approval as indicated in Exhibit C-3, and 21 Conditions of Approval as indicated in Exhibit C-4.

People who spoke on this application

MOTION: To adopt a resolution approving a Subdivision Variance to allow access directly to a major street subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

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

Decision: Postponed to 12/02/2016 with a vote of 8-0-0

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. COMMISSIONER COMMENTS

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

LAST NAME—FIRST NAME—MIDDLE NAME BEATTY MARK STEVEN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PALM BEACH COUNTY ZONING COMMISSION
MAILING ADDRESS 2461 PALM HARBOR DRIVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY PALM BEACH GARDENS, FLORIDA PALM BEACH	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED ABSTAINED FROM VOTING - 10/14/2016	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MARK STEVEN BEATTY, hereby disclose that on November, 03, 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 TRANSFERED TO THE WANTMAN GROUP INC.

Agenda November,03, 2016
Items #8, SV/Z/CA-2016-00843 RANCHETTE LAKE

Nov. 15, 2016
Date Filed

Mark Stev 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.