



**AGENDA  
 PALM BEACH COUNTY ZONING COMMISSION**

**NOVEMBER 1, 2018**

**MINUTES**

**CALL TO ORDER**

A. Roll Call - 9:03 A.M.

Commissioner Mark Beatty, Chair	Present
Commissioner Alex Brumfield III, Vice Chair	Arrived 9:10am
Commissioner Sam Caliendo	Present
Commissioner Sheri Scarborough	Absent
Commissioner Amir Kanel	Present
Commissioner John Kern	Present
Commissioner Marcelle Griffith Burk	Present
Commissioner Barbara Katz	Present
Commissioner Robert Currie	Present

B. Opening Prayer, and Pledge of Allegiance

C. Remarks of the Chair:

D. Notice:

E. Proof of Publication -

Motion to receive and file 7-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
Second				Moved				
Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes	Yes

F. Adoption of the Minutes

Motion to receive and file 7-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes	Yes

G. Swearing In - County Attorney

H. Disclosures

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
No	No	No	No	No	Absent	No	No	No

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

- ZV/CB/CA-2017-02404** Title: Type 2 Variance application of Mike Cioffi Lawn Service, Inc., Matheson Tri Gas, Inc. by WGINC, Agent. Request: to eliminate a Type 3 Incompatibility Buffer along the northern and eastern property lines; and, to eliminate a wall from a Type 3 Incompatibility Buffer along the western property line.

Title: a Class A Conditional Use application of Mike Cioffi Lawn Service, Inc., Matheson Tri Gas, Inc. by WGINC, Agent. Request: to allow a Chipping and Mulching Facility.

General Location: On the northeast side of the Bee Line Highway (State Road 710), approximately 2 miles southeast of Indiantown Road. **(Debris Dog)** (Control 2008-00259)

Pages 1 - 1

Project Manager: Lorraine Fuster

Size: 10.00 acres ±

BCC District: 1

Staff Recommendation: To postpone to Thursday, December 6, 2018.

**MOTION:** To postpone to Thursday, December 6, 2018.

Motion Carried 7-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes	Yes

**Decision: Postponed to December 6, 2018 by a vote of 7-0-0.**

**B. REMANDS**

**C. WITHDRAWALS**

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

**CONSENT AGENDA**

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

**4. SV-2018-01163-Southern Scapes**

Motion carried 7-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes	Yes

**9. Z/CB/W-2018-00219- FPL Yamato Substation**

Motion carried 7-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second	Moved				
Yes	Yes	Yes	Yes	Yes	Absent	Absent	Yes	Yes

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

2. **ABN-2018-01311** Title: Development Order Abandonment application of Jaha Boca, LLC by Schmidt Nichols, Agent. Request: to abandon a Class B Conditional Use to allow two Type 1 Restaurants with Drive-through.

General Location: South side of Okeechobee Boulevard, approximately 0.1 miles east of Congress Avenue. **(KFC / Jacks Restaurant)** (Control 1996-00026)

Pages 2 - 7

Project Manager: Lindsey Walter

Size: 1.20 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests.

**MOTION:** To adopt a Resolution to abandon a Class B Conditional Use to allow a Type 1 Restaurant with drive-through (Building A).

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second			Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved Development Order Abandonment by a vote of 8-0-0.**

**MOTION:** To adopt a Resolution to abandon a Class B Conditional Use to allow a Type 1 Restaurant with drive-through (Building B)

Motion carried 8-0

Kanel	Kern	Burk	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
			Second			Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved Development Order Abandonment by a vote of 8-0-0.**

3. **SV-2018-01160** Title: a Subdivision Variance application of Progress 21st Century, LLC by Schmidt Nichols, Agent. Request: to allow a reduction of the Right-of-Way (ROW) width and to exceed the maximum allowable Average Daily Trips (ADTs).

General Location: South side of Stacy Road, approximately 1,300 feet west of Haverhill Road.  
**(Palm Ridge Apartments)** (Control 2007-00051)

Pages 8 - 27

Conditions of Approval Pages (13 - 13)

Project Manager: Joanne Keller

Size: 1.93 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 4 Condition of Approval as indicated in Exhibit C.

**People who spoke on this application**

Josh Nichols, Agent- In agreement with Conditions of Approval

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow a reduction of the Right-of-Way (ROW) width and to exceed the maximum allowable Average Daily Trips (ADTs), subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved a Subdivision Variance (with conditions) by a vote of 8-0-0.**

5. **ZV-2018-01180** Title: a Type 2 Variance application of Highland Dunes Associates Property, LLC by Urban Design Kilday Studios, Agent. Request: to allow transfer of density in excess of 30 percent of the number of units approved by the Board of County Commissioners (BCC).

General Location: Approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard. **(Arden PUD)** (Control 2005-00394)

Pages 45 - 67

Conditions of Approval Pages (49 - 49)

Project Manager: Carolina Valera

Size: 1,209.96 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request, subject to 7 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Colleen Walter, Agent– In agreement with conditions of approval.

**MOTION:** To adopt a resolution approving a Type 2 Variance to allow transfer of density in excess of 30 percent of the number of units approved by the Board of County Commissioners, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved a Type 2 Variance (with conditions) by a vote of 8-0-0.**

6. **ZV-2018-01315** Title: a Type 2 Variance application of Polo Trace Associates, LLLP by Polo Trace Associates LLLP, Agent. Request: to relocate required Perimeter (Type 2 Incompatibility) Buffer landscape requirements including: one Canopy Tree per 20 linear feet; one Palm or Pine per 30 linear feet; one row of each: small shrubs - one per two linear feet; and, Medium shrubs - one per four linear feet; and, eliminate a six foot high landscape barrier.

General Location: Approximately 0.60 miles north of Lake Ida Road on the west side of Hagen Ranch Road. **(Polo Trace PUD II)** (Control 1993-00057)

Pages 68 - 111

Conditions of Approval Pages (75 - 76)

Project Manager: Lorraine Fuster

Size: 253.38 acres ±

BCC District: 5

(affected area 20.35 acres ±)

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

**People who spoke on this application:**

Kevin Ratterree, Agent- In agreement with Conditions as Amended.

**MOTION:** To adopt a resolution approving a Type 2 Variance to relocate required Perimeter (Type 2 Incompatibility) Buffer landscape requirements including: one Canopy Tree per 20 linear feet; one Palm or Pine per 30 linear feet; one row of each: small shrubs - one per two linear feet; and, Medium shrubs - one per four linear feet; and, eliminate a six foot high landscape barrier subject to the Conditions of Approval as indicated in Exhibit C.

Motion Carried 8-0

Kanel	Kern	Burk	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved a Type 2 Variance (with conditions as amended) by a vote of 8-0-0.**

7. **ZV-2018-01342** Title: a Type 2 Variance application of YTG Palm Beach LG NR, LP by Urban Design Kilday Studios, Agent. Request: to eliminate a Loading Area Screening Wall; and, to allow a reduction in Loading Area Screening shrub height within a Perimeter Buffer.  
General Location: Northwest corner of Corporate Road South and Park of Commerce Boulevard.  
**(Palm Beach Park of Commerce Lot 1 Plat 13)** (Control 1981-00190)

Pages 112 - 139

Conditions of Approval Pages (117 - 118)

Project Manager: Carlos Torres

Size: 23.97 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 10 conditions of approvals as indicated in Exhibit C

**People who spoke on this application:**

Joni Brinkman, Agent- In agreement with Conditions as amended.

**MOTION:** To adopt a resolution approving a Type 2 Variance to eliminate a loading area screening wall; and to allow a reduction in loading area screening shrub height within a Perimeter Buffer subject to the Conditions of Approvals as indicated in Exhibit C.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved a Type 2 Variance (with conditions as amended) by a vote of 8-0-0.**

8. **CA-2018-00740** Title: a Class A Conditional Use application of All Star Kids Early Learning Center 2 LLC by Miller Land Planning, Agent. Request: to allow a Day Care General.  
General Location: Northwest corner of Seminole Pratt Whitney Road and 69th Street North.  
**(All Star Kids 2)** (Control 2017-00210)

Pages 140 - 160

Conditions of Approval Pages (145 - 147)

Project Manager: Lorraine Fuster

Size: 2.63 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request subject to 15 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Bradley Miller, Agent- In agreement with Conditions of Approval as amended.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Day Care General subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Recommended approval of a Class A Conditional Use by a vote of 8-0-0.**

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

4. **SV-2018-01163** Title: a Subdivision Variance application of Tree Z, Inc, South Florida Landscape Maintenance, Inc by Miller Land Planning, Agent. Request: to allow a reduction on the minimum legal access requirements.

General Location: Approximately 1 mile south of Atlantic Avenue and 0.18 miles west of Lyons Road. **(Southern Scapes)** (Control 2018-00037)

Pages 28 - 44

Conditions of Approval Pages (32 - 32)

Project Manager: Joanne Keller

Size: 5.00 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Bradley Miller, Agent- Provided a brief presentation and is agreement with conditions of approval. Craig Peschell of the public spoke in opposition to the request with 2 cards submitted in opposition.

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow a reduction of the minimum legal access requirements subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved a Subdivision Variance (with conditions) by a vote of 8-0-0.**

9. **Z/CB/W-2018-00219** Title: an Official Zoning Map Amendment application of Florida Power and Light Company by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the General Commercial (CG) Zoning District.

Title: a Class B Conditional Use application of Florida Power and Light Company by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow an Electrical Transmission Line and Substation Full Array Urban Communication Tower (greater than 80 feet in height).

Title: Type 2 Waiver application of Florida Power and Light Company by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a reduction of the Required Dimensional Criteria for Setbacks and Separation.

General Location: East side of Congress Avenue approximately 540 feet north of Clint Moore Road. **(FPL Yamato Substation)** (Control 2003-00054)

Pages 161 - 200

Conditions of Approval Pages (170 - 173)

Project Manager: Carlos Torres

Size: 4.97 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1; 7 Conditions of Approval as indicated in Exhibit C-2 and 4 Conditions of Approval as indicated in Exhibit C-3

**People who spoke on this application:**

George Gentile, Agent- Provided a brief presentation and is agreement with Conditions of Approval as amended. Members of the public spoke in opposition to the request with 2 cards submitted.

**MOTION:** To recommend an Official Zoning Map amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the General Commercial (CG) Zoning District subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
*Recuse	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

\*Commission Kanel Recused himself from Z/CB/W-2018-00219 (FPL Yamato Substation)

**Decision: Recommended Approval, as amended of an Official Zoning Map Amendment subject to a Conditional Overlay Zone (COZ) by a vote of 7-0-1.**

**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow a Electrical Transmission Line and Substation Full Array Urban Communication Tower (greater than 80 feet in height) subject to the Conditions of Approval as indicated in exhibit C-2.

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
*Recuse	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

\*Commission Kanel Recused himself from Z/CB/W-2018-00219 (FPL Yamato Substation)

**Decision: Approved a Class B Conditional Use (with conditions as amended) by a vote of 7-0-1.**

**MOTION:** To recommend approval of a Type 2 Waiver to allow a reduction of the required dimensional criteria for setbacks and separation subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
*Recuse	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

\*Commission Kanel Recused himself from Z/CB/W-2018-00219 (FPL Yamato Substation)

**Decision: Recommended Approval of Type 2 Waiver by a vote of 7-0-1.**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS - NEW**

10. **ZV/ABN/PDD/CA/W-2018-00591** Title: a Type 2 Variance application of AHC of West Palm Beach, LLC by WGINC, Agent. Request: to allow a reduction in the number of parking spaces.

Title: a Development Order Abandonment application of AHC of West Palm Beach, LLC by WGINC, Agent. Request: to abandon a Special Exception to allow a Planned Unit Development, consisting entirely of a Congregate Living Facility Type 3 [which extinguishes the Special Exception for an Adult Congregate Living Facility, Petition No 1973-00009(A)], as amended by Resolution R-1994-1074.

Title: an Official Zoning Map Amendment application of AHC of West Palm Beach, LLC by WGINC, Agent. Request: to allow a rezoning from the Multifamily Residential (RM) and the Multifamily Residential High Density (RH) Zoning Districts to the Planned Unit Development (PUD) Zoning District.

Title: a Class A Conditional Use application of AHC of West Palm Beach, LLC by WGINC, Agent. Request: to allow a Workforce Housing Program density bonus greater than 30 percent; and, to allow Transfer of Development Rights.

Title: a Type 2 Waiver application of AHC of West Palm Beach, LLC by WGINC, Agent. Request: to eliminate the Private Civic Pod in a Countywide Community Revitalization Team area.

General Location: East side of Haverhill Road, approximately 0.40 miles north of Okeechobee Boulevard. **(Haverhill Residential)** (Control 1988-00135)

Pages 201 - 267

Conditions of Approval Pages (214 - 223)

Project Manager: Meredith Leigh

Size: 15.33 acres ±

BCC District: 7

Staff Recommendation: Staff recommends approval of the request subject to the 7 Conditions of Approval as indicated in Exhibit C-1; 30 Conditions of Approval as indicated in Exhibit C-2; 5 Conditions of Approval as indicated in Exhibit C-3; 7 Conditions of Approval as indicated in Exhibit C-4; and, 4 Conditions of Approval as indicated in Exhibit C-5.

**People who spoke on this application:**

Agent Angela Biagi and staff provided a brief presentation. Agent Agreed to conditions as amended.

**MOTION:** To adopt a resolution approving a Type 2 Variance to allow a reduction in the number of parking spaces subject to the Conditions of Approval as indicated in Exhibit C-1. Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved	*Recused	
Yes	Yes	Yes	Yes	Yes	Absent	Yes	N/A	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/ABN/PDD/CA/W-2018-00591 (Haverhill Residential)

**Decision: Approved a Type 2 Variance (with conditions as amended) by a vote of 7-0-1.**

**MOTION:** To recommend approval of a Development Order Abandonment to abandon a Special Exception to allow a Planned Unit Development, consisting entirely of a Congregate Living Facility Type 3 [which extinguishes the Special Exception for an Adult Congregate Living Facility, Petition No 1973-00009(A)], as amended by Resolution R-1994-1074.

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved	*Recused	
Yes	Yes	Yes	Yes	Yes	Absent	Yes	N/A	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/ABN/PDD/CA/W-2018-00591 (Haverhill Residential)

**Decision: Recommended Approval of a Development Order Abandonment by a vote of 7-0-1.**

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

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved	*Recused	
Yes	Yes	Yes	Yes	Yes	Absent	Yes	N/A	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/ABN/PDD/CA/W-2018-00591 (Haverhill Residential)

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

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Workforce Housing Program density bonus greater than 30 percent subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved	*Recused	
Yes	Yes	Yes	Yes	Yes	Absent	Yes	N/A	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/ABN/PDD/CA/W-2018-00591 (Haverhill Residential)

**Decision: Recommended Approval of a Class A Conditional Use by a vote of 7-0-1.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow Transfer of Development Rights subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved	*Recused	
Yes	Yes	Yes	Yes	Yes	Absent	Yes	N/A	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/ABN/PDD/CA/W-2018-00591 (Haverhill Residential)

**Decision: Recommended Approval of a Class A Conditional Use by a vote of 7-0-1.**

**MOTION:** To recommend approval of a Type 2 Waiver to eliminate the Private Civic Pod in a Countywide Community Revitalization Team area subject to the Conditions of Approval as indicated in Exhibit C-5.

Motion carried 7-0-1

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved	*Recused	
Yes	Yes	Yes	Yes	Yes	Absent	Yes	N/A	Yes

\*Commission Chair Mark Beatty Recused himself from ZV/ABN/PDD/CA/W-2018-00591 (Haverhill Residential)

**Decision: Recommended Approval of a Type 2 Waiver by a vote of 7-0-1.**

11. **Z-2017-02224** Title: an Official Zoning Map Amendment application of School Board Of Palm Beach County FL by School District of Palm Beach County, Agent. Request: to allow a rezoning from the Medium Residential (RM) Zoning District to the Public Ownership (PO) Zoning District.

General Location: Northwest corner of Belvedere Road and Skees Road. **(West Central Transportation Facility)** (Control 2017-00075)

Pages 268 - 286

Conditions of Approval Pages (274 - 275)

Project Manager: Donna Adelsperger

Size: 25.41 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 8 Conditions of Approval as indicated in Exhibit C.

**People who spoke on this application:**

Kristin Garrison from the School Board and staff provided a brief presentation. Tom McQuory spoke in opposition as well as several cards were submitted in opposition.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Medium Residential (RM) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Recommended Approval of an Official Zoning Map Amendment subject to a Conditional Overlay Zone (COZ) by a vote of 8-0-0.**

12. **ZV/PDD/CA-2018-00608** Title: Type 2 Variance application of Haverhill ALF, LLC by Schmidt Nichols, Agent. Request: to allow a reduction of the required Side Street Setback.

Title: an Official Zoning Map Amendment application of Haverhill ALF, LLC by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Class A Conditional Use application of Haverhill ALF, LLC by Schmidt Nichols, Agent. Request: to allow a Type 3 Congregate Living Facility.

General Location: Northwest corner of North Haverhill Road and Community Drive. **(Community Assisted Living)** (Control 2017-00059)

Staff Recommendation: Staff Recommends approvals of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; 14 Conditions of Approval as indicated in Exhibit C-2 and 6 Conditions of Approval as indicated in Exhibit C-3.

**People who spoke on this application:**

Josh Nichols, Agent and staff provided a brief presentation. Members of the public spoke in opposition.

**MOTION:** To adopt a resolution approving a Type 2 Variance to allow a reduction of the required side street setback subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved Type 2 Variance (with conditions as amended) by a vote of 8-0-0.**

**MOTION:** To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to 14 Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-0-0.**

**MOTION:** To recommend approval of Class A Conditional Use to allow a Type 3 Congregate Living Facility subject to 6 Conditions of Approval as indicated in Exhibit C-3. Prior to final DRO the fire gate located along the north property line shall be designed aesthetically with architectural character to meet commissioner’s concerns and standards of fire approval.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Recommended Approval of a Class A Conditional Use by a vote of 8-0-0.**

- 13. **SV/ZV/Z/DOA/CA-2017-01258** Title: a Subdivision Variance application of West Jupiter Community Group, Inc. by Cotleur & Hearing Inc., Agent. Request: To allow access to a reduced right-of-way width.

Title: a Type 2 Variance application of West Jupiter Community Group, Inc. by Cotleur & Hearing Inc., Agent. Request: to reduce Foundation Planting and Landscape Island width; and, to

eliminate an Incompatibility Buffer.

Title: an Official Zoning Map Amendment application of West Jupiter Community Group, Inc. by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District.

Title: a Development Order Amendment application of West Jupiter Community Group, Inc. by Cotleur & Hearing Inc., Agent. Request: to reconfigure the Site Plan; to add land area, building square footage, and an access point; and, to delete Conditions of Approval (Landscaping).

General Location: North side of Church Street approximately 690 feet west of Limestone Creek Road. **(West Jupiter Community Center)** (Control 1995-00003)

Pages 330 - 373

Conditions of Approval Pages (341 - 346)

Project Manager: Lorraine Fuster

Size: 3.07 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to the 2 Conditions of Approval as indicated in Exhibit C-1; 8 Conditions of Approval as indicated in Exhibit C-2; 1 Conditions of Approval as indicated in Exhibit C-3; and, 17 Conditions of Approval as indicated in Exhibit C-4.

**People who spoke on this application**

Don Hearing, Agent and staff provided a brief presentation. Agent agreed to the Conditions of Approval as amended

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow access to a reduced right-of-way width, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved a Subdivision Variance (with conditions) by a vote of 8-0-0.**

**MOTION:** To adopt a resolution approving a Type 2 Variance to reduce Foundation Planting and Landscape Island width; and, to eliminate an Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Approved a Type 2 Variance (with conditions as amended) by a vote of 8-0-0.**

**MOTION:** To recommend approval of an Official Zoning Map amendment to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

Kanel	Kern	Burke	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		

Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes
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**Decision: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-0-0.**

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan; to add land area, building square footage, and an access point; and, to delete Conditions of Approval (Landscaping), subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 8-0

Kanel	Kern	Burk	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second		Moved		
Yes	Yes	Yes	Yes	Yes	Absent	Yes	Yes	Yes

**Decision: Recommended Approval of a Development Order Amendment by 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. COMMISSIONERS**

**ADJOURNMENT - 10:35 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 NOVEMBER 01, 20 18 :

(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. THESE CONTRACTS HAVE BEEN TRANSFERED TO THE WANTMAN GROUP INC.

Agenda NOVEMBER 01, 2018

Item #10 ZV/ABN/PDD/CA/W-2018-00591

11/01/18  
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 NOVEMBER 01, 20 18 :

(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. THESE CONTRACTS HAVE BEEN TRANSFERRED TO THE WANTMAN GROUP INC.

Agenda NOVEMBER 01, 2018

Item #10 ZV/ABN/PDD/CA/W-2018-00591

11/01/18  
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[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 <b>KANEL AMIR</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Zoning Commission PBC</b>
MAILING ADDRESS <b>8332 NRD-O-WRR Rd</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      COUNTY <b>Palm Beach Gardens      Palm Beach</b>	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED <b>NOVEMBER 1, 2018</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, AMIR KANEL, hereby disclose that on 11/1, 2018:

(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:

*I own Nextera (NEE) Stock parent company of FPL which was on agenda item 2/CBW-2018-00219 (item #9) meeting 11/1/2018. Apparent conflict of interest.*

11/1/2018  
Date Filed

Amir Kanel  
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.