



AGENDA
PALM BEACH COUNTY ZONING COMMISSION

THURSDAY DECEMBER 6, 2018

MINUTES

CALL TO ORDER

A. Roll Call – 9:00 A.M.

Commissioner Mark Beatty, Chair	Present
Commissioner Alex Brumfield III, Vice Chair	Arrived 9:05 am
Commissioner Sam Caliendo	Present
Commissioner Sheri Scarborough	Present
Commissioner Amir Kanel	Present
Commissioner John Kern	Present
Commissioner Marcelle Griffith Burk	Present
Commissioner Barbara Katz	Arrived 9:10 am
Commissioner Robert Currie	Absent

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Notice

E. Proof of Publication

Motion: to receive and file

Motion carried 6-0

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

F. Adoption of the Minutes

Motion: to receive and file
Motion carried 6-0

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

G. Swearing In- County Attorney

H. Disclosures

Kanel	Kern	Burk	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
1 & 2	No	No	No	No	No	No	No	Absent

*Commission Chair Mark Beatty Recused himself from Item #1, ZV/CB/CA-2017-2404 (Debris Dog) and Item #2, Z-2018-0745 (Trails Landing)

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

1. ZV/CB/CA-2017-02404- Debris Dog

MOTION: To pull item from Consent Agenda

Motion Carried 7-0

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

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

- 2. **Z-2018-00745** Title: an Official Zoning Map Amendment application of Karen Lee by WGINC, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Multifamily (RM) Zoning District.

General Location: East side of South Military Trail approximately 250 feet north of Pinestead Drive. **(Trails Landing)** (Control 2016-01670)

Pages 47 - 65

Conditions of Approval Pages (53 - 54)

Project Manager: Diego Penalosa

Size: 3.86 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and 7 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Lindsay Libes, Agent- In agreement with Conditions of Approval and staff recommendations.

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

Motion Carried 6-0-1

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

*Commission Chair Mark Beatty Recused himself from Z-2018-00745 (Trails Landing)

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

- 3. **W-2018-01678** Title: a Type 2 Waiver application of 1501 N. Florida Mango Road, LLC by Schmidt Nichols, Agent. Request: to allow 24-hour operation within 250 feet of a Residential Future Land Use designation or use.

General Location: Northwest corner of Florida Mango Road and the L-2 Canal, approximately 150 feet north of Bridgeman Drive. **(MacDonald Industrial)** (Control 1986-00038)

Pages 66 - 89

Conditions of Approval Pages (70-70)

Project Manager: Lorraine Fuster

Size: 4.12 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

People who spoke on this application

Josh Nichols, Agent- In agreement with Conditions of Approval and Staff Recommendations.

MOTION: To recommend approval of a Type 2 Waiver to allow 24-hour operation within 250 feet of a Residential Future Land Use designation or use subject to the Conditions of Approval as indicated in Exhibit C.

Motion Carried 7-0

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

Decision: Recommend Approval of a Type 2 Waiver by a vote of 7-0-0.

4. **CA/DOA/W-2018-00218** Title: a Class A Conditional Use application of Florida Power & 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 (between 125 and 150 feet in height).
Title: a Development Order Amendment application of Florida Power & Light Company by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to modify the Master Plan to add an Electrical Transmission Line and Substation Full Array Urban Communication Tower to the Utility Tract
Title: a Type 2 Waiver application of Florida Power & 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 for a Communication Tower.
General Location: East side of Powerline Road approximately 1,500 feet north of SW 18th Street. **(FPL CCDW at Boca Pointe)** (Control 1973-00085)

Pages 90 - 131

Conditions of Approval Pages (97 - 101)

Project Manager: Carlos Torres

Size: 1,028.46 acres ±

(affected area 2.24 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 4 Conditions of Approval as indicated in Exhibit C-1; 13 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- In agreement with Conditions of Approval and Staff Recommendations.

MOTION: To recommend approval of a Class A Conditional Use to allow an Electrical Transmission Line and Substation Full Array Urban Communication Tower (between 125 and 150 feet in height) subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion Carried 8-0

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

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

MOTION: To recommend approval of a Development Order Amendment to modify the Master Plan to add an Electrical Transmission Line and Substation Full Array Urban Communication Tower to a Utility Tract subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion Carried 8-0

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

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

MOTION: To recommend approval of a Type 2 Waiver to allow a reduction of the Required Dimensional Criteria for Setbacks and Separation for a Communication Tower subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion Carried 8-0

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

Decision: Recommended Approval of a Type 2 Waiver by a vote of 8-0-0.

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

1. **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 and Compatibility 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 - 46

Conditions of Approval Pages (9 - 11)

Project Manager: Lorraine Fuster

Size: 9.99 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to 8 Conditions of Approval as indicated in Exhibit C-1; and, 11 Conditions of Approval as indicated in Exhibit C-2.

People who spoke on this application

Lindsay Libes, Agent- In agreement with Conditions of Approval and Staff Recommendations.
 Juan Ortega-Traffic Consultant for WGINC spoke in response to traffic concerns.

MOTION: To adopt a resolution approving a Type 2 Variance to eliminate a Type 3 Incompatibility Buffer and Compatibility Buffer along the northern and eastern property lines; and, to eliminate a wall from a Type 3 Incompatibility Buffer along the western property line subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion Carried 6-1-1

Kanel	Kern	Burk	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved			
No	Yes	Yes	Yes	Yes	Yes	Yes	*Recuse	Absent

*Commission Chair Mark Beatty Recused himself from ZV/CB/CA-2017-02404 (Debris Dog)

Decision: Approved a Type 2 Variance (with conditions) by a vote of 6-1-1.

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

Motion Carried 6-1-1

Kanel	Kern	Burk	Katz	Caliendo	Scarborough	Brumfield	Beatty	Currie
				Second	Moved			
No	Yes	Yes	Yes	Yes	Yes	Yes	*Recuse	Absent

*Commission Chair Mark Beatty Recused himself from ZV/CB/CA-2017-02404 (Debris Dog)

Decision: Recommended approval of a Class A Conditional Use by a vote of 6-1-1.

- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**
- 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 – 9:22 A.M.

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 PALM BEACH GARDENS, FLORIDA	COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED ABSTAINED FROM VOTING - 12/06/2018		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 DECEMBER 06, 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: DECEMBER 06, 2018

Item #1 ZV/CB/CA-2017-02404

Item #2 Z-2018-00745

12/6/18
Date Filed

MARK STEVEN 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.