



**PALM BEACH COUNTY ZONING COMMISSION**

**THURSDAY MARCH 7, 2019**

**MINUTES**

**CALL TO ORDER**

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

Commissioner Sheri Scarborough, Chair	Present
Commissioner Sam Caliendo, Vice Chair	Present
Commissioner Amir Kanel	Present
Commissioner John Kern	Present
Commissioner Marcelle Griffith Burke	Present
Commissioner Mark Beatty	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

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
Second			Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

F. Adoption of the Minutes

Motion to receive and file 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
	Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

G. Swearing In

H. Disclosures

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
0	0	0	0	0	0	0
Recused: #2						

\*Commission Chair Mark Beatty Recused himself from ABN/Z/CA-2018-01726 Catalina Townhomes

**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**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**D. ZONING APPLICATIONS – NEW**

1. **ZV/Z-2018-00586** Title: an Official Zoning Map Amendment application of David Lueke, Angela Lueke by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Light Industrial (IL) Zoning District.  
General Location: Northwest corner of Tall Pines Road and Southern Boulevard. **(Mach Five Industrial Park)** (Control 1983-00047)

Pages 1 - 18

Conditions of Approval Pages (5 - 6) Project

Manager: Meredith Leigh

Size: 1.78 acres ± BCC District: 2

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

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Single Family Residential (RS) Zoning District to the Light Industrial (IL) Zoning District, with a Conditional Overlay Zone (COZ), subject to the Conditions of oval as indicated in Exhibit C.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
	Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of an Official Zoning Map Amendment by a vote of 7-0-0.**

2. **ABN/Z/CA-2018-01726** Title: a Development Order Abandonment application of Fraternal Order of Police, Meritage Homes of Florida by WGINC, Agent. Request: to abandon a Special Exception (SE) to allow a Private Recreation Facility and Club.  
Title: an Official Zoning Map Amendment application of Fraternal Order of Police, Meritage Homes of Florida by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District.  
Title: a Class A Conditional Use application of Fraternal Order of Police, Meritage Homes of Florida by WGINC, Agent. Request: to allow Townhouse units; Workforce Housing Program (WHP) Density bonus greater than 50 percent; and, a Transfer of Development Rights.  
General Location: Southwest corner of Belvedere Road and 62nd Drive North. **(Catalina Townhomes)** (Control 1986-00140)

Pages 19 - 49

Conditions of Approval Pages (29 - 35)

Project Manager: Meredith Leigh

Size: 6.57 acres + BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject 1 Condition of Approval as indicated in Exhibit C-1; 17 Conditions of Approval as indicated in Exhibit C-2; 6 Conditions of Approval as indicated in Exhibit C-3; and, 8 Conditions of Approval as indicated in Exhibit C-4.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon a Special Exception (SE) to allow a Private Recreation Facility and Club.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Moved		Second	

Abstain	Yes	Yes	Yes	Yes	Yes	Yes
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**Recommended approval of a Development Order Abandonment by a vote of 6-0-1.**

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District subject to the Condition of Approval as indicated in Exhibit C-1.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Moved		Second	
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of an Official Zoning Map Amendment by a vote of 6-0-1.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow Townhouse units subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Moved		Second	
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of a Class A Conditional Use by a vote of 6-0-1.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow Workforce Housing Program (WHP) Density bonus greater than 50 percent subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Moved		Second	
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of a Class A Conditional Use by a vote of 6-0-1.**

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

Motion carried 6-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
			Moved		Second	
Abstain	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of a Class A Conditional Use by a vote of 6-0-1.**

3. **SV/DOA/CA-2018-01218** Title: a Subdivision Variance application of Palm Beach Investment Property, LLC by Urban Design Kilday Studios, Agent. Request: to allow access for Commercial Uses onto a 60-foot Right-of-Way.

Title: a Development Order Amendment application of Palm Beach Investment Property, LLC by Urban Design Kilday Studios, Agent. Request: to add uses.

Title: a Class A Conditional Use application of Palm Beach Investment Property, LLC by Urban Design Kilday Studios, Agent. Request: to allow two Type 1 Restaurants with Drive-throughs; and, to allow Retail Gas and Fuel Sales with a Convenience Store.

General Location: Northwest corner of Beeline Highway (SR 710) and Park of Commerce Boulevard. **(Palm Beach Park of Commerce Beeline Commons)** (Control 1981-00190)

Pages 50 - 133

Conditions of Approval Pages (60 - 94)

Project Manager: Meredith Leigh

Size: 1,322.19 acres

(affected area 9.54 acres +)

BCC District: 1

Staff Recommendation: Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1; 125 Conditions of Approval as indicated in Exhibit C-2; 9 Conditions of Approval as indicated in Exhibit C-3; 9 Conditions of Approval as indicated in Exhibit C-4; and, 9 Conditions of Approval as indicated in Exhibit C-5.

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow access for Commercial Uses onto a 60-foot Right-of-Way subject to the Condition of Approval as indicated in Exhibit C-1.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
	Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**Approved a Subdivision Variance by a vote of 7-0-0.**

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

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
	Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended Approval of a Development Order Amendment by a vote of 7-0-0.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through - Building B subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
	Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of a Class A Conditional Use, as amended, by a vote of 7-0-0.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through - Building C subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
	Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of a Class A Conditional Use, as amended, by a vote of 7-0-0.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Retail Gas and Fuel Sales with a Convenience Store subject to the Conditions of Approval as indicated in Exhibit C-5.

Motion carried 7-0

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie
	Second		Moved			
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**Recommended approval of a Class A Conditional Use, as amended, by a vote of 7-0-0.**

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

- A. ITEMS PULLED FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**
- 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 9:07 A.M.**

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

<b>LAST NAME—FIRST NAME—MIDDLE NAME</b> BEATTY MARK STEVEN	<b>NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE</b> PALM BEACH COUNTY ZONING COMMISSION
<b>MAILING ADDRESS</b> 2461 PALM HARBOR DRIVE	<b>THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:</b> <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
<b>CITY</b> PALM BEACH GARDENS, FLORIDA	<b>COUNTY</b> PALM BEACH
<b>DATE ON WHICH VOTE OCCURRED</b> ABSTAINED FROM VOTING - 03/07/2019	<b>NAME OF POLITICAL SUBDIVISION:</b>
	<b>MY POSITION IS:</b> <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

## 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 MARCH 07, 20 19 :

(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 MARCH 07, 2019

Item #2 ABN/Z/CA-2018-01726

MARCH 07, 2019  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.