



**PALM BEACH COUNTY ZONING COMMISSION**

**THURSDAY APRIL 4, 2019**

**MINUTES**

**CALL TO ORDER**

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

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

- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication
- F. Adoption of the Minutes

Motion to receive and file 5-0

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

- G. Swearing In
- H. Disclosures

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
5 Recused: #1 & #6	0	Absent	Absent	6	3,6	Absent	0

\*Commissioner Mark Beatty Recused himself from SV/ABN/Z/W-2018-01211 ETC Office/Warehouse; ABN/PDD/CA-2017-00983 Heathwood Reserve

**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. **SV/ABN/Z/W-2018-01211** Title: a Development Order Abandonment application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. Request: to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.  
Title: an Official Zoning Map Amendment application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District.  
Title: a Type 2 Waiver application of 366 South Congress LLC by Kimley Horn and Associates Inc., Agent. Request: to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space.  
General Location: Northeast corner of Congress Avenue and Ohio Street. **(ETC Office/Warehouse)** (Control 1984-00020)

Pages 1 - 48  
 Conditions of Approval Pages (9 - 12)  
 Project Manager: Donna Adelsperger  
 Size: 1.31 acres ± BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone (COZ) for the rezoning and 6 Conditions of Approval as indicated in Exhibit C-1; and 13 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon a Class A Conditional Use for office space in excess of thirty (30) percent of Gross Floor Area (GFA) in the Light Industrial (IL) Zoning District.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
N/A	N/A	Absent	Absent	N/A	N/A	Absent	N/A

\*Commissioner Mark Beatty Recused himself from SV/ABN/Z/W-2018-01211 ETC Office/Warehouse

**Decision: To postpone to May 2, 2019 due to lack of quorum.**

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Urban Infill (UI) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
N/A	Absent	Absent	N/A	N/A	N/A	Absent	N/A

\*Commissioner Mark Beatty Recused himself from SV/ABN/Z/W-2018-01211 ETC Office/Warehouse

**Decision: To postpone to May 2, 2019 due to lack of quorum.**

**MOTION:** To recommend approval of three Type 2 Waivers to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space subject to the Conditions of Approval as indicated in Exhibit C-2.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
N/A	N/A	Absent	Absent	N/A	N/A	Absent	N/A

\*Commissioner Mark Beatty Recused himself from SV/ABN/Z/W-2018-01211 ETC Office/Warehouse

**Decision: To postpone to May 2, 2019 due to lack of quorum.**

2. **DOA-2018-02347** Title: a Development Order Amendment application of SR II, LLC by Urban Design Kilday Studios, Agent. Request: to delete a Condition of Approval (Engineering).  
General Location: East side of Pratt Whitney Road, approximately 1,000 feet north of Corporate Road North. (**Palm Beach Park of Commerce Surf Ranch Florida**) (Control 1981-00190)

Pages 49 - 69

Conditions of Approval Pages (55 - 59)

Project Manager: Lorraine Fuster

Size: 78.91 acres ±

BCC District: 1

(affected area 46.66 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 27 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Amendment to delete a Condition of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 5-0-0

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

**Recommended approval of a Development Order Amendment by a vote of 5-0-0.**

3. **ZV/DOA/CA-2018-01558** Title: Type 2 Variance application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. Request: to reduce the setback for a dumpster; and, to reduce foundation planting width.

Title: Development Order Amendment application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. Request: to reconfigure the Site Plan, modify uses, delete square footage, and, modify or delete Conditions of Approval (Architectural Review, Engineering, Landscape).

Title: Class A Conditional Use application of BW Southern and Benoist, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a Type 1 Restaurant with a Drive-through.

General Location: Northwest corner of Southern Boulevard and North Benoist Farms Road. (**Wawa SB 1327**) (Control 1991-00037)

Pages 70 - 113

Conditions of Approval Pages (78 - 88)

Project Manager: Meredith Leigh

Size: 3.13 acres ±BCC District: 2

(affected area 0.60 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated in Exhibit C-1; 44 Conditions of Approval as indicated in Exhibit C-2; and, 4 Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To adopt a resolution approving a Type 2 Variance to reduce the setback for a dumpster; and, to reduce foundation planting width subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-0-0

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

**Approved a Type 2 Variance, with conditions, by a vote of 5-0-0.**

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan, modify uses, delete square footage, and, modify or delete Conditions of Approval (Architectural Review, Engineering, Landscape) subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-0

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

**Recommended approval of a Development Order Amendment by a vote of 5-0-0.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-0

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

**Recommended approval of a Class A Conditional Use by a vote of 5-0-0.**

4. **ZV/DOA-2018-00972** Title: a Type 2 Variance application of Tjac Palmetto Park LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow up to 100 percent easement overlap in a required Right-of-Way (R-O-W) Buffer; and, to allow a controlled plant species to remain within 15 feet of any vehicular use area. Title: a Development Order Amendment application of Tjac Palmetto Park LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to reconfigure the Site Plan and to add square footage.

General Location: Southwest corner of Palmetto Park Road and Powerline Road. **(Boca Del Mar PCD)** (Control 1981-00115)

Pages 114 - 155

Conditions of Approval Pages (122 - 129)

Project Manager: Carrie Rechenmacher

Size: 48.59 acres ±

BCC District: 4

(affected area 8.20 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; and, 50 Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Type 2 Variance to allow up to 100 percent easement overlap in a required Right-of-Way (R-O-W) Buffer; and, to allow a controlled plant species to remain within 15 feet of any vehicular use area subject to Conditions of approval as indicated in Exhibit C-1.

Motion carried 5-0-0

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

**Approved a Type 2 Variance, with conditions, by a vote of 5-0-0.**

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

Motion carried 5-0-0

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

**Recommended approval of a Development Order Amendment by a vote of 5-0-0.**

**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**

5. **ZV/PDD/CA-2018-01515** Title: a Type 2 Variance application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to reduce the rear setback for Townhouses; and, modify Mixed Use Planned Development land use mix percentages.  
Title: an Official Zoning Map Amendment application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Mixed Use Planned Development (MXPDP) Zoning District.  
Title: a Class A Conditional Use application of Mattamy Palm Beach, LLC by Urban Design Kilday Studios, Agent. Request: to allow Retail Gas Fuel Sales with a Convenience Store; and, two Type 1 Restaurants with Drive-throughs.  
General Location: Southwest corner of Lake Worth Road and Polo Road. **(Polo Legacy MXPDP)** (Control 2007-00096)

Pages 156 - 201

Conditions of Approval Pages (167 - 175)

Project Manager: Meredith Leigh

Size: 38.54 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1; 24 Conditions of Approval as indicated in Exhibit C-2; 4 Conditions of Approval as indicated in Exhibit C-3; 4 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**

Ken Tuma, Agent and staff provided brief presentation. One member from the public Gerald Bank, spoke in support

**MOTION:** To adopt a resolution approving a Type 2 Variance to reduce the rear setback for Townhouses; and, modify Mixed Use Planned Development land use mix percentages subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 5-0-0

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

**Approved a Type 2 Variance, with conditions, by a vote of 5-0-0**

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Mixed Use Planned Development (MXPDP) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-0-0

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

**Recommended approval of an Official Zoning Map Amendment by a vote of 5-0-0**

**MOTION:** To recommend approval of a Class A Conditional Use to allow Retail Gas Fuel Sales with a Convenience Store subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 5-0-0

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

**Recommended approval of a Class A Conditional Use, with conditions, by a vote of 5-0-0**

**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 5-0-0

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

**Recommended approval of a Class A Conditional Use, with conditions, by a vote of 5-0-0.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building E) subject to the Conditions of Approval as indicated in Exhibit C-5.

Motion carried 5-0-0

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

**Recommended approval of a Class A Conditional Use, with conditions, by a vote of 5-0-0.**

- Partners, LTD LLLP by WGINC, Agent. Request: to abandon a Class B Conditional Use for a Wholesale Plant Nursery with accessory Type II Excavation.  
Title: an Official Zoning Map Amendment application of AMKBJ Partners, LTD LLLP by WGINC, 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 AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a Type 3 Congregate Living Facility (CLF); and, to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent.  
General Location: West side of Military Trail, approximately 0.60 miles north of Lantana Road. **(Heathwood Reserve)** (Control 1997-00008)

Pages 202 - 233

Conditions of Approval Pages (212 - 217)

Project Manager: Carolina Valera

Size: 22.54 acres ±

BCC District: 3

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

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon a Class B Conditional Use for a Wholesale Plant Nursery with accessory Type II Excavation.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
N/A	N/A	Absent	Absent	N/A	N/A	Absent	N/A

\*Commissioner Mark Beatty Recused himself from ABN/PDD/CA-2017-00983 Heathwood Reserve

**Decision: To postpone to May 2, 2019 due to lack of quorum.**

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

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
N/A	N/A	Absent	Absent	N/A	N/A	Absent	N/A

\*Commissioner Mark Beatty Recused himself from ABN/PDD/CA-2017-00983 Heathwood Reserve

**Decision: To postpone to May 2, 2019 due to lack of quorum.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 3 Congregate Living Facility (CLF) subject to the Conditions of Approval as indicated in Exhibit C-2.

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
N/A	N/A	Absent	Absent	N/A	N/A	Absent	N/A

\*Commissioner Mark Beatty Recused himself from ABN/PDD/CA-2017-00983 Heathwood Reserve

**Decision: To postpone to May 2, 2019 due to lack of quorum.**

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

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
N/A	N/A	Absent	Absent	N/A	N/A	Absent	N/A

\*Commissioner Mark Beatty Recused himself from ABN/PDD/CA-2017-00983 Heathwood Reserve

**Decision: To postpone to May 2, 2019 due to lack of quorum.**

**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 9:25 A.M.**

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**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 APRIL 04, 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 APRIL 04, 2019

Item #6 ABN/PDD/CA-2017-00983

APRIL 04 / 2019  
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 APRIL 04, 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 TRANSFERRED TO THE WANTMAN GROUP INC.

Agenda APRIL 04, 2019

Item #6 ABN/PDD/CA-2017-00983

APRIL 04/2019  
Date Filed

Mark Beatty  
Signature

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