



**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 MAY 02, 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 KIMLEY-HORN AND ASSOCIATES 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:

**MY FIRM, ARCHITECTURE GREEN LLC. HAS A CONTRACT WITH KMILEY-HORN AND ASSOCIATES TO PROVIDE CIVIL ENGINEERING SERVICES FOR CAYNON DISTRICT PARK.**

Agenda MAY 02, 2019

Item #2 SV/ABN/Z/W-2018-01211

MAY /02/2019  
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.



**PALM BEACH COUNTY, FLORIDA**

**THURSDAY MAY 2, 2019**  
**MINUTES**

**CALL TO ORDER**

A. Roll Call

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
Commissioner Brumfield	Present

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

Motion to receive and file 8-0

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

F. Adoption of the Minutes

Motion to receive and file 8-0

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

- G. Swearing In
- H. Disclosures

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
3	8	0	8	8	8	3	0
Recused: #2							

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

- 7. **PDD-2018-01692** Title: an Official Zoning Map Amendment application of Concert Fountains Properties, LLC by WGINC, Agent. Request: to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Planned Unit Development (PUD) Zoning District.

General Location: On the west side of South Jog Road, approximately 0.3 miles south of Lake Worth Road. **(The Lofts at Lake Worth)** (Control 2016-00114)

Pages 191 - 210

Conditions of Approval Pages (198 - 201)

Project Manager: Carolina Valera

Size: 62.60 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request subject to 19 Conditions of Approval as indicated in Exhibit C.

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

Motion carried 8-0-0

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

**Postponed to June 6, 2019 by a vote of 8-0-0.**

- 1. **ZICA-2017-01996** Title: an Official Zoning Map Amendment application of Andrew Podray by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) and Multifamily Residential High Density (RH) Zoning Districts, to the Multifamily Residential (RM) Zoning District.

General Location: On the east side of Barwick Road, approximately 0.55 miles north of Lake Ida Road. **(Banyan Cove)** (Control 2014-00078)

Pages 1 - 1

Project Manager: Lorraine Fuster

Size: 6.68 acres ±

BCC District: 4

Staff Recommendation: Staff recommends a postponement to Thursday, August 1, 2019.

**MOTION:** To postpone to Thursday, August 1, 2019.

Motion carried 8-0-0

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

**Postponed to August 1, 2019 by a vote of 8-0-0.**

**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**

2. **SV/ABN/Z/W-2018-01211** Title: a Development Order Abandonment application of Deliceto 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 Deliceto 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 Deliceto 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 2 - 49

Conditions of Approval Pages (10 - 13)

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 -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.

Motion carried 7-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Moved		Second		
Recused*	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

**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 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.

Motion carried 7-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Moved		Second		
Recused*	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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

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

**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.

Motion carried 7-0-1

Beatty	Kanel	Burke	Caliendo	Scarborough	Kern	Currie	Brumfield
			Moved		Second		
Recused*	Yes	Yes	Yes	Yes	Yes	Yes	Yes

\*Commissioner Mark Beatty Recused himself from SV//ABN/Z/W-2018-01211 ETC Office/Warehouse  
**Recommended Approval of a Type 2 Variance (with Conditions) by a vote of 7-0-1.**

**D. ZONING APPLICATIONS - NEW**

- 3. **ZV-2019-00103** Title: a Type 2 Variance application of Boynton Beach Associates XXVI LLLP by G.L. Homes, Agent. Request: to allow an increase in Building Coverage for one-story Single-Family units and one-story Zero Lot Line units.  
General Location: West side of Lyons Road south of Flavor Pict Road. **(Monticello AGR-PUD)** (Control 2005-00014)

Pages 50 - 79

Conditions of Approval Pages (54 - 54)

Project Manager: Carrie Rechenmacher

Size: 658.41 acres ±

BCC District: 5

(affected area 283.37 acres ±)

Staff Recommendation: Staff recommends approval of the Type 2 Variance subject to 7 Conditions of Approval as indicated in Exhibit C.

**MOTION:** To adopt a resolution approving a Type 2 Variance to allow an increase in Building Coverage for one-story Single-Family units and one-story Zero Lot Line units subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0-0

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

**Approved a Type 2 Variance (with conditions) 2019 by a vote of 8-0-0.**

- 4. **ABN/ZV/CA-2018-00962** Title: Development Order Abandonment application of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates , Keith and Associates Inc., Agent. Request: to abandon a Special Exception allowing an Automobile Service Station and Car Wash  
Title: a Type 2 Variance application of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates , Keith and Associates Inc., Agent. Request: to allow 24 Hours of Operation within 250 feet of a Residential Use.  
Title: a Class A Conditional Use application of 7 Eleven Inc by Keith and Associates, Gunster Yoakley & Stewart PA, Keith and Associates , Keith and Associates Inc., Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store  
General Location: Southwest of the intersection of State Road 7 (U.S.441) and SW 18th Street (Marina Boulevard). **(7-Eleven at Marina Blvd #34972)** (Control 1982-00097)

Pages 80 - 123

Conditions of Approval Pages (87 - 89)

Project Manager: Carrie Rechenmacher

Size: 1.42 acres ±

BCC District: 5

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

**MOTION:** To recommend approval of a Development Order Abandonment of a Special Exception allowing an Automobile Service Station and Car Wash.

Motion carried 8-0-0

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

**Recommended Approval of Development Order Abandonment by a vote of 8-0-0.**

**MOTION:** To adopt a resolution approving a Type 2 Variance to allow 24 Hours of Operation within 250 feet of a Residential Use subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0-0

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

**Approved a Type 2 Variance (with conditions) 2019 by a vote of 8-0-0.**

**MOTION:** To recommend approval of a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0-0

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

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

5. **SV/ABN/Z/CA-2018-00774** Title: a Subdivision Variance application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow a reduction in the minimum legal access width.  
Title: a Development Order Abandonment application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to abandon a Class A Conditional Use to allow an Elementary or Secondary School (Charter).  
Title: an Official Zoning Map Amendment application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Institutional and Public Facilities (IPF) Zoning District.  
Title: a Class A Conditional Use application of Els For Autism Foundation Inc by Cotleur & Hearing Inc., Agent. Request: to allow an Elementary or Secondary School (Charter); Assembly Institutional Non-Profit, and a Type 3 Congregate Living Facility (CLF).  
General Location: On the east side of Limestone Creek Road approximately 0.85 miles north of Indiantown Road. **(Els Center for Excellence)** (Control 1975-00168)

Pages 124 - 151

Conditions of Approval Pages (134 - 139)

Project Manager: Carrie Rechenmacher

Size: 26.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval subject to 1 Condition of Approval as indicated in Exhibit C-1; 17 Conditions of Approval as indicated in Exhibit C-2; 5 Conditions of Approval as indicated in Exhibit C-3; and, 1 Condition of Approval as indicated in Exhibit C-4.

**MOTION:** To adopt a resolution approving a Subdivision Variance to allow a reduction in the minimum legal access width.

Motion carried 8-0-0

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

**Approved a Subdivision Variance by a vote of 8-0-0.**

**MOTION:** To recommend approval of a Development Order Abandonment of a Class A Conditional Use to allow an Elementary or Secondary School (Charter).

Motion carried 8-0-0

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

**Recommended Approval of a Development Order Abandonment, as amended by a vote of 8-0-0.**

**MOTION:** To recommended approval to allow a rezoning from the Residential Single Family (RS) Zoning District to the Institutional Public Facility (IPF) Zoning District.

Motion carried 8-0-0

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

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

**MOTION:** To recommend approval for a Class A Conditional Use to allow an Elementary or Secondary School subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0-0

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

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

**MOTION:** To recommend approval for a Class A Conditional Use to allow an Assembly Institutional Non-Profit subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0-0

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

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

**MOTION:** To recommend approval for 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-4.

Motion carried 8-0-0

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

**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**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**

6. **ABN/PDD/CA-2017-00983** Title: a Development Order Abandonment application of AMKBJ 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 152 - 190  
 Conditions of Approval Pages (162 - 167)  
 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.

**People who spoke on this application**

Scott Backman, Agent and staff provided brief presentation. One member from the public, Jack Rice spoke in opposition of the application

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

Motion carried 8-0-0

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

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

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

Motion carried 8-0-0

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

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

**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.

Motion carried 8-0-0

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

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

**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.

Motion carried 8-0-0

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

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

8. **DOA-2018-01047** Title: Development Order Amendment application of Federation CCRC Operations Corp by WGINC, Agent. Request: to reconfigure Pod B in the Master Plan and Site Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds, square footage and parking spaces; and, to modify and delete prior Conditions of Approval (Building, Landscape and Use Limitations).

General Location: East side of 95th Avenue South, approximately 0.26 miles south of Glades Road. ( **Rainberry PUD - Pods A & B**) (Control 1984-00139)

Pages 211 - 254

Conditions of Approval Pages (220 - 235)

Project Manager: Carlos Torres

Size: 115.62 acres ±

(affected area 40.22 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 58 Conditions of Approval as indicated in exhibit C-1 and 12 Conditions of Approval as indicated in Exhibit C-2.

**People who spoke on this application**

Lindsay Libes, Agent and staff provided brief presentation. Five member from the public, spoke in support of the application

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure Pod B in the Master Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds/Residents, and, to modify and delete prior Conditions of Approval (Building and Landscape) subject to Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0-0

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

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

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure Pod B in the Site Plan for Pod A and B to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds, square footage and parking spaces; and, to modify and delete prior Conditions of Approval (Architecture and Use Limitations) subject to Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0-0

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

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

**E. SUBDIVISION VARIANCE**

**E. OTHER ITEMS**

9. Title: Workshop - Traffic Concurrency

-Proportionate Share

Pages: No Attachments.

**END OF REGULAR AGENDA**

**COMMENTS**

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. PLANNING DIRECTOR**
- D. EXECUTIVE DIRECTOR**
- E. COMMISSIONERS**

**ADJOURNMENT**