

H. Amendments to the Agenda

Motion to pull item 5, DOA-2019-02323 West Atlantic Business Plaza, from the Consent Agenda to be heard on the Regular Agenda, carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
		Second		Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

I. Motion to adopt the Agenda

Motion carried as amended and all Variances by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

J. Disclosures

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
5	5,11	0	9	5	6	0	0	0

K. Conflicts/Recusal

*Commissioner Beatty filed a Memorandum of Voting Conflict Form 8B (F.S. 112.3143) with Zoning Technician for item 5, DOA-2019-02323 - West Atlantic Business Plaza, prior to vote.

Motion to receive and file 8-0-1

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Abstain	Yes

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- ZV/Z/W-2020-01272** Title: a Type 2 Variance application of Luca Land, LLC, Southport Financial Services, Inc. by Schmidt Nichols, Agent. Request: to reduce the number of parking spaces.

Title: an Official Zoning Map Amendment application of Luca Land, LLC, Southport Financial Services, Inc. by Schmidt Nichols, Agent. Request: to allow a rezoning from the Neighborhood Commercial (CN) and Multifamily Residential (RM) Zoning Districts to the Urban Infill (UI) Zoning District.

Title: a Type 2 Waiver application of Luca Land, LLC, Southport Financial Services, Inc. by Schmidt Nichols, Agent. Request: to eliminate Slip Street Frontage; allow the facade with the shortest length to be considered the front; to allow a parking structure on a secondary frontage without screening by habitable uses; allow bonus height (an additional floor) for a building in compliance with Green Building Incentive Program; and, reduce the number of bicycle parking spaces.

General Location: Southeast corner of South Military Trail and Maine Street. **(Southport Grove)** (Control 1971-10014)

Staff Recommendation: Staff recommends a postponement to Thursday, May 6, 2021.

MOTION: To postpone to Thursday, May 6, 2021.

Motion to Postpone to May 6, 2021 carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
		Second		Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

CONSENT AGENDA

Motion to Approve the Consent Agenda carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

MOTION: To recommend approval of a Class A Conditional Use to allow Institutional Nonprofit Assembly, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

4. **PDD/DOA-2020-01117** Title: an Official Zoning Map Amendment application of Pebb Atlantic LLC by WGINC, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: a Development Order Amendment application of Pebb Atlantic LLC by WGINC, Agent. Request: to reconfigure the Site Plan to add land area and parking spaces; reconfigure building and Type 2 Restaurant square footage; and, reduce overall square footage. General Location: South side of Atlantic Avenue, approximately 415 feet east of Lyons Road. **(Plaza Delray)** (Control 2016-00078)

Pages 61 - 93

Conditions of Approval Pages (68 - 73)

Project Manager: Timothy Haynes

Size: 4.83 acres ±

BCC District: 5

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to add land area and parking spaces; reconfigure building and Type 2 Restaurant square footage; and, reduce overall square footage, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

5. PDD/DOA-2020-00268 West Atlantic Business Plaza moved to Regular Agenda by Pre-Hearing vote. See above.

6. **CA-2020-01215** Title: a Class A Conditional Use application of Moore Florida Property Investment, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Type 2 Congregate Living Facility.

General Location: North side of Northlake Boulevard, approximately 1,100 feet west of Grapeview Boulevard. **(Memory Care at the Acreage)** (Control 2017-00042)

Pages 121 - 146

Conditions of Approval Pages (127 - 129)

Project Manager: Travis Goodson

8. **Z-2020-01700** Title: an Official Zoning Map Amendment application of 9231 155th Lane, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District. General Location: Southeast corner of 155th Lane South and Half Mile Road, approximately 0.45 miles west of Lyons Road. **(155th Lane Rezoning)** (Control 2020-00145)

Pages 219 - 234

Conditions of Approval Pages (223 - 223)

Project Manager: Ryan Vandenburg

Size: 10.12 acres ±

BCC District: 5

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

MOTION: To recommend approval of a Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

Motion carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

9. **Z-2020-01699** Title: an Official Zoning Map Amendment application of G.L. Homes of Palm Beach Associates, Ltd. by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District.

General Location: West side of State Road 7, approximately 0.5 miles north of Clint Moore Road and 2 miles south of Atlantic Avenue. **(Hyder West Rezoning)** (Control 2020-00141)

Pages 235 - 249

Conditions of Approval Pages (242 - 242)

Project Manager: Ryan Vandenburg

Size: 16.57 acres ±

BCC District: 5

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

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District, subject to the Condition of Approval as indicated in Exhibit C.

Motion carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

10. **ZV-2020-02072** Title: a Type 2 Variance application of City Of Boca Raton, G. L. Acquisitions Corporation by G.L. Homes, Agent. Request: to allow the elimination of one residential use type where two are required.

General Location: Approximately 1,220 feet north of Glades Road on the west side of Florida's Turnpike. **(Boca Raton Golf Course PUD - Unit Type Variance)** (Control 1981-00019)

Pages 251 - 289

Conditions of Approval Pages (256 - 256)

Project Manager: Ryan Vandenburg

Size: 193.51 acres ±

BCC District: 5

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

MOTION: To adopt a Resolution approving a Type 2 Variance to allow the elimination of one residential use type where two are required, subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Second			Moved				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

E. CORRECTIVE RESOLUTIONS

F. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

11. **PDD/DOA-2020-00268** Title: an Official Zoning Map Amendment application of Tuscan Gardens Of Delray Beach Properties, LLC 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 Development Order Amendment to a Planned Development District and a Requested Use application of Tuscan Gardens Of Delray Beach Properties, LLC by WGINC, Agent . Request: to reconfigure the Master Plan and Site Plan; add land area; add residents /beds; and, modify Conditions of Approval.

General Location: West side of Sims Road, approximately 0.5 miles north of Atlantic Avenue. **(Tuscan Gardens of Delray Beach)** (Control 2005-00506)

Pages 291 - 317

Conditions of Approval Pages (298 - 305)

Project Manager: Travis Goodson

Size: 12.78 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

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 Condition of Approval as indicated in Exhibit C-1.

Motion to Postpone to May 6, 2021 carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Moved			Second				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

MOTION: To recommend approval of a Development Order Amendment to a Planned Development District to reconfigure the Master Plan; add land area; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion to Postpone to May 6, 2021 carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Moved			Second				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

MOTION: To recommend approval of a Development Order Amendment to a Requested Use to reconfigure the Site Plan; add residents/beds; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion to Postpone to May 6, 2021 carried by a vote of 9-0-0

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Moved			Second				
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

5. **DOA-2019-02323** Title: a Development Order Amendment application of West Atlantic Business Plaza LLC by JMorton Planning & Landscape Architecture, Agent. Request: to reconfigure the Site Plan; delete square footage; modify uses; and, modify Conditions of Approval.

General Location: South side of Atlantic Avenue, approximately 0.22 miles east of State Road 7/US 441. (**West Atlantic Business Plaza**) (Control 2016-00130)

Pages 95 - 119

Conditions of Approval Pages (102 - 106)

Project Manager: Ryan Vandenburg

Size: 10.53 acres ±

BCC District: 5

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

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; delete square footage; modify uses; and, to modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C.

Motion to Postpone to May 6, 2021 carried by a vote of 8-0-1

Sowards	Scarborough	Burke	Kern	Caliendo	Brumfield	Kelley	Beatty	Pavlik
	Moved							Second
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Recused	Yes

END OF REGULAR AGENDA

ADJOURNMENT 10:30 AM

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 01, 20 21:

(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:

MY FIRM, ARCHITECTURE GREEN LLC. RETAINED JMORTON PLANNING AND LANDSCAPE ARCHITECTURE TO PROVIDE LANDSCAPE ARCHITECTURE SERVICES FOR CANYON DISTRICT PARK.

ZONING COMMISSION PUBLIC HEARING
APRIL 01 2021
AGENDA ITEM #5 DOA-2019-02323

APRIL 01 / 2021
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.