County Administrator

Verdenia C. Baker



2300 N. Jog Road West Palm Beach, FL 33411 Phone: 561-233-5200 Fax: 561-233-5165

WEDNESDAY JANUARY 8, 2020 MINUTES

CALL TO ORDER

A. Roll Call

Commissioner Sheri Scarborough, Chair Present Commissioner Sam Caliendo, Vice Chair Present Commissioner Amir Kanel Absent Commissioner John Kern Present Commissioner Philip L. Barlage Present Commissioner Marcelle Griffith Burke Present Present Commissioner Mark Beatty Commissioner Alex Brumfield Present Commissioner Jess Sowards 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

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Second		Moved					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

F. Swearing In

Assistant County Attorney swearing in of new County Commissioner – Jess Sowards.

G. Adoption of the Minutes

Motion to receive and file 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Second		Moved					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

- H. Amendments to the Agenda
- I. Motion to adopt the Agenda

Motion to receive and file 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Second		Moved					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

J. Disclosures

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
0	0	Absent	7	3,4	0	0	7 *Recused: #6	0

^{*} Commissioner Mark Beatty Recused himself from Z-2019-01612 Young Property South.

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. <u>DOA/CA-2019-00737</u> <u>Title:</u> a Development Order Amendment application of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. <u>Request:</u> to add a use.

<u>Title:</u> a Class A Conditional Use application of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. <u>Request:</u> to allow a Cocktail Lounge.

<u>General Location:</u> Southwest corner of Palmetto Park Road & Powerline Road. **(US Cigar Exchange)** (Control 1981-00115)

Pages 1 - 1

Project Manager: Brenya Martinez

Size: 8.19 acres +

BCC District: 4

(affected area 0.07 acres \pm)

Staff Recommendation: Staff recommends postponement to Thursday, February 6, 2020.

MOTION: To postpone to Thursday, February 6, 2020.

Motion carried 8-0

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Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved		Second					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Postponed to February 6, 2020 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

A.1 MOVE FROM REGULAR TO CONSENT

6. Z-2019-01612 - Young Property South

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved		Second					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

7. DOA-2019-00325 - Lee Square

Motion carried 8-0

Motion barriod	Motion barried 5 5							
Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved		Second					
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

2. <u>DOA/W-2019-00489</u> <u>Title:</u> a Development Order Amendment application of SSC Property Holdings, LLC by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reconfigure the Site Plan; and, to add square footage.

<u>Title:</u> a Type 2 Waiver application of SSC Property Holdings, LLC by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. <u>Request:</u> to reduce minimum Fenestration, Building Frontage and dimension of Usable Open Space; and, eliminate a Pedestrian Amenity.

<u>General Location:</u> West side of Military Trail, approximately 600 feet north of Summit Boulevard. **(Hunts Easy Storage)** (Control 1981-00082)

Pages 2 - 41

Conditions of Approval Pages (9 - 11) Project Manager: Travis Goodson

Size: 9.31 acres <u>+</u> (affected area 3.49 acres <u>+</u>)

BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; and, to add square footage, subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment (with conditions, as amended) by a vote of 8-0-0.

CONSENT AGENDA

Building Frontage and dimension of Usable Open Space; and, eliminate a Pedestrian Amenity, subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

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Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards	
	Moved						Second		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	

Board Decision: Recommended Approval of a Type 2 Waiver (with conditions) by a vote of 8-0-0.

BCC District: 3

D. ZONING APPLICATIONS - NEW

3. **ZV/DOA/CA-2019-01634** Title: a Type 2 Variance application of Military Self Storage, LLC by Urban Design Kilday Studios, Agent. Request: to increase building coverage; and, to eliminate or reduce Type 3 Incompatibility Buffer requirements.

<u>Title:</u> a Development Order Amendment application of Military Self Storage, LLC by Urban Design Kilday Studios, Agent. <u>Request:</u> to reconfigure the Site Plan, add square footage, modify uses, add land area, and modify Conditions of Approval.

<u>Title:</u> a Class A Conditional Use application of Military Self Storage, LLC by Urban Design Kilday Studios, Agent. <u>Request:</u> to allow a Multi-Access Self Service Storage facility.

<u>General Location:</u> West side of South Military Trail, approximately 1,730 feet north of Hypoluxo Road. (Mangone and Spirk Self-Storage MUPD) (Control 1987-00134)

Pages 42 - 91

Conditions of Approval Pages (52 - 59)

Project Manager: Meredith Leigh

Size: 7.27 acres +

ected area 6.23 acres +)

(affected area 6.23 acres <u>+</u>)

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-4.

MOTION: To adopt a resolution approving a Type 2 Variance to increase building coverage; and to eliminate or reduce Type 3 Incompatibility Buffer requirements subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Approved a Type 2 Variance (with conditions, as amended) by a vote of 8-0-0.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan, add square footage, modify uses, add land area, and modify Conditions of Approval subject to the Conditions of Approval as indicate in Exhibit C-2.

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment (with conditions, as amended) by a vote of 8-0-0.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan to add square footage subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 8-0-0.

MOTION: To recommend approval a Class A Conditional Use to allow a Multi-Access Self Service Storage facility subject to the Conditions of Approval as indicated in Exhibit C-4.

Motion carried 8-0

Scarborough Caliendo Kand	Kern Barlage	Burke Brumfield	Beatty Sowards
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CONSENT AGENDA

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	Moved						Second		
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	

Board Decision: Recommended Approval of a Class A Conditional Use (with conditions) by a vote of 8-0-0.

 ZV/DOA/CA-2019-00950 <u>Title:</u> Type 2 Variance application of Lynx Zuckerman at Fort Myers, LLC by WGINC, Agent. <u>Request:</u> to eliminate parking required at the rear or side of each building it is intended to serve.

<u>Title:</u> a Development Order Amendment application of Lynx Zuckerman at Fort Myers, LLC by WGINC, Agent. <u>Request:</u> to reconfigure the Site Plan; add/delete building square footage and add buildings; modify uses; relocate an access point; modify Conditions of Approval; and, restart the Commencement of Development Clock.

<u>Title:</u> a Class A Conditional Use application of Lynx Zuckerman at Fort Myers, LLC by WGINC, Agent. <u>Request:</u> to allow a Type 1 Restaurant with a Drive-Through.

<u>General Location:</u> Northeast corner of Town Commons Drive and Hypoluxo Road, approximately 0.25 miles east of Lyons Road. **(Town Commons MUPD 2)** (Control 2004-00248)

Pages 92 - 137

Conditions of Approval Pages (101 - 112) Project Manager: Carrie Rechenmacher

Size: 3.10 acres ± BCC District: 3

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

People who spoke on this application

One comment card submitted in support of the request.

MOTION: To adopt a resolution approving a Type 2 Variance to eliminate parking required at the rear or side of each building it is intended to serve subject to the Conditions of Approval as indicated in Exhibit C-1.

Motion carried 8-0

S	carborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
		Moved						Second	
	Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Approved Type 2 Variance (with conditions) by a vote of 8-0-0.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add/delete building square footage and add buildings; modify uses; relocate an access point; modify Conditions of Approval; and, restart the Commencement of Development Clock subject to the Conditions of Approval as indicated in Exhibit C-2.

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment (with conditions) by a vote of 8-0-0.

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-3.

Motion carried 8-0

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Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

<u>Board Decision: Recommended Approval of a Class A Conditional Use (with conditions) by a vote of 8-0-0.</u>

5. <u>ZV-2019-01537</u> <u>Title:</u> a Type 2 Variance application of YTG Palm Beach IG NR LP by Urban Design Kilday Studios, Agent. <u>Request:</u> to eliminate or reduce Loading Area

Screening requirements.

<u>General Location:</u> South side of Corporate Road North, bounded on the east by Distribution Way and on the west by Park of Commerce Boulevard. **(Palm Beach Park of Commerce Plat-19)** (Control 1981-00190)

Pages 138 - 163

Conditions of Approval Pages (144 - 145)

Project Manager: Brenya Martinez

Size: 16.34 acres <u>+</u> BCC District: 1

<u>Staff Recommendation:</u> 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 eliminate or reduce Loading Area Screening requirements subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Approved a Type 2 Variance (with conditions, as amended) by a vote of 8-0-0.

6. <u>Z-2019-01612</u> Title: an Official Zoning Map Amendment application of Southeast Inv Of P B Cty Inc by JMorton Planning & Landscape Architecture, Agent. <u>Request:</u> to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District.

<u>General Location:</u> Southeast corner of Atlantic Avenue and State Road 7. **(Young Property South)** (Control 2003-00830)

Pages 164 - 177

Conditions of Approval Pages (169 - 170) Project Manager: Ryan Vandenburg

Size: 14.23 acres + BCC District: 5

<u>Staff Recommendation:</u> Staff recommends approval of the request subject to a Conditional Overlay Zone (COZ) and the Conditions 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 (AGR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ), subject to Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0-1

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	*Recused	Yes

^{*}Commissioner Mark Beatty Recused himself from Z-2019-01612 Young Property South.

<u>Board Decision: Recommended Approval of an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) (with conditions, as amended) by a vote of 7-0-1.</u>

7. <u>DOA-2019-00325</u> <u>Title:</u> a Development Order Amendment application of Revenue Properties Lantana Inc, Revenue Properties Lantana, Spilan Parcel Llc, Hess Realty Llc by Dunay Miskel and Backman LLP, Insite Studio, Agent. <u>Request:</u> to reconfigure the Final Site Plan; delete uses; add Multifamily Residential use; and, modify Conditions of Approval.

<u>General Location:</u> North-east corner of South Jog Road and Lantana Road. (Lee Square) (Control 1981-00186)

Pages 178 - 214

Conditions of Approval Pages (187 - 200)

Project Manager: Ryan Vandenburg

Size: 38.19 acres <u>+</u> BCC District: 2

<u>Staff Recommendation:</u> Staff recommends approval of the requests subject to Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Final Site Plan; delete uses; add Multifamily Residential use; and, to modify Conditions of Approval subject to Conditions of Approval as indicted in Exhibit C.

Motion carried 8-0

Scarborough	Caliendo	Kanel	Kern	Barlage	Burke	Brumfield	Beatty	Sowards
	Moved						Second	
Yes	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Board Decision: Recommended Approval of a Development Order Amendment (with conditions) 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
- **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 9:16 AM

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

LAST NAME—FIRST NAME—MIDDLE NAM	E	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PALM BEACH COUNTY ZONING COMMISSION THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON					
BEATTY MARK STEVEN							
MAILING ADDRESS							
2461 PALM HARBOR DRIVE	WHICH I SERVE IS A UNIT OF:						
CITY COUNTY		CITY	OTHER LOCAL AGENCY				
PALM BEACH GARDENS, FLORIDA	NAME OF POLITICAL SUBDIVISION:						
DATE ON WHICH VOTE OCCURRED		MY POSITION I	ç.		-		
ABSTAINED FROM VOTING 01-08-2020	T ELECTIVE 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 filling 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 JANUARY, 08 , 20 20
(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 JANUARY 08, 2020 AGENDA ITEM #6 Z-2019-01612
Date Filed Date Filed Date Filed

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.