

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

FRIDAY, DECEMBER 5, 2014

9:00 A.M. Vista Center 1st Floor Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

| | |
|--|---------------------------|
| Commissioner Alex Brumfield III, Chair | Present |
| Commissioner Mark Beatty, Vice Chair | Present |
| Commissioner Amir Kanel | Present |
| Commissioner Joseph Snider | Present |
| Commissioner William Anderson | Present |
| Commissioner Sam Caliendo | Absent |
| Commissioner Sheri Scarborough | Present |
| Commissioner Joanne Davis | Arrived at 9:10 am |
| Commissioner Robert Currie | Present |

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Proof of Publication – Motion to receive and file carried 7-0

E. Adoption of the Minutes – Motion carried 7-0

F. Swearing In

G. Disclosures – Listed by Agenda Number

| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
|-------|---------|----------|----------|-------------|-------|-----------|--------|--------|
| None | 2, 3, 4 | None | Absent | None | None | None | None | None |

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. **Z-2014-01627** Title: an Official Zoning Map Amendment application of 4730 Hypoluxo LLC by CMS Engineering LLC, Agent. Request: to allow a rezoning from the Commercial High Office (CHO) and the Agricultural Residential (AR) Zoning Districts to the Community Commercial (CC) Zoning District.

General Location: South side of Hypoluxo Road, approximately 1300 feet west of Military Trail (**Dazco Center**) (Control 2003-00040)

Pages 1 - 14

Conditions of Approval Pages (6-6)

Project Manager: Osniel Leon

Size: 3.04 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request subject to a Conditional Overlay Zone and the 6 Conditions of Approval, as indicated in Exhibit C.

People who spoke on application

Pol Africano, Agent – In agreement with the Conditions of Approval.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Commercial High Office (CHO) and the Agricultural Residential (AR) Zoning Districts to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 7-0

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|-------|--------|----------|----------|-------------|--------|-----------|----------|--------|
| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
| Yes | Yes | Yes | Absent | Yes | Absent | Yes | Yes | Yes |
| | | | | Moved | | | Seconded | |

DECISION: Recommended Approval as Advertised 7-0

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

The following three applications were presented and commented on together:

- Z/COZ-2014-00938** Title: an Official Zoning Map Amendment application of Boynton Beach Associates XXII, LLLP 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 with a Conditional Overlay Zone (COZ).

General Location: Northwest corner of Lyons Road and Boynton Beach Boulevard. **(Amestoy AGR)** (Control 2005-00162)

Pages 15 – 36

Conditions of Approval (20-22)

Project Manager: Joyce Lawrence

Size: 183.83 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone (COZ) subject to 9 Conditions of Approval as indicated in Exhibit C.

People who spoke on application

Wendy Hernandez, Zoning Manager – gave a presentation

Kevin Ratterree, Agent – gave a presentation

Glen Harvie representing COBWRA, spoke in support of the application, stating that it has been approved by COBWRA and recommends that Lyons Road be expanded in this area with appropriate lighting in the future for safety.

From the public and speaking in opposition, Pam Martens, Russell Martens, Marcy Cohen, Jean Yerms, Paton White, C. Roy Snyder, Chris Lockhart, Richard Hatwick, and Edward Techmann cited concerns about loss of open space and agricultural land, destruction of the Ag Reserve, loss of habitat for animals, conservation easements, and harm to the environment.

Also speaking in opposition, Paula Davis, representing the Canyon Isles Home Owners Association, Drew Martin a volunteer from the Sierra Club, and Lisa Interlande representing the Everglades Law Center, stated their concerns about the need for upgraded infrastructure, farm jobs being lost, sea level rise and development impacts, drainage, conservation easements, and the parcels in question not promoting agricultural use. GL Homes agent, Kevin Ratterree, also responded to a member of the public, Steven Bass that Flavor Pict Road was on Palm Beach County’s Five Year Plan.

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 with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Motion carried 5-2-1

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|-------|--------|----------|----------|-------------|-------|-----------|----------|--------|
| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
| Yes | No | Recused | Absent | Yes | No | Yes | Yes | Yes |
| | | | | Moved | | | Seconded | |

DECISION: Recommended Approval as Amended 5-2-1

2. **PDD/DOA-2014-00939** Title: an Official Zoning Map Amendment to a Planned Development District application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to reconfigure the Master Plan to swap, add, and delete land area (preserve); re-allocate, and release recorded Conservation Easement; and amend Conditions of Approval (Planning).

General Location: South of Boynton Beach Boulevard and east of and adjacent to Lyons Road. **(Canyon Isles AGR PUD)** (Control 2002-00068)

Pages 37 – 103
 Conditions of Approval (46 - 61)
 Project Manager: Joyce Lawrence
 Size: 264.00 acres ±

BCC District: 5, 6

Staff Recommendation: Staff recommends approval of requests subject to 1 Condition of Approval as indicated in Exhibit C-1 and 68 Conditions of Approval as indicated in the Exhibit C-2.

People who spoke on application

***This application was presented and commented on in conjunction with Items 2 and 4. Please see the summary for Item 2.**

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

Motion carried 5-2-1

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|-------|--------|----------|----------|-------------|-------|-----------|----------|--------|
| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
| Yes | No | Recused | Absent | Yes | No | Yes | Yes | Yes |
| | | | | Moved | | | Seconded | |

MOTION: To recommend approval of the Development Order Amendment to reconfigure the Master Plan to swap, add, and delete land area (preserve); re-allocate, and release recorded Conservation Easement; and amend Conditions of Approval (Planning) subject to 68 Conditions of Approval as indicated in Exhibit C-2.

Motion carried 5-2-1

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|-------|--------|----------|----------|-------------|-------|-----------|----------|--------|
| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
| Yes | No | Recused | Absent | Yes | No | Yes | Yes | Yes |
| | | | | Moved | | | Seconded | |

DECISION: Recommended Approval as Advertised 5-2-1

3. **ZV/PDD/DOA-2014-00940** Title: a Type II Variance application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to allow an increase in the building coverage for single-family units from 40 percent to 44 percent.

Title: an Official Zoning Map Amendment to a Planned Development District application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.

Title: a Development Order Amendment application of Delray Beach Associates I, LLC by G.L. Homes, Agent. Request: to reconfigure the Master Plan; add land area (Development and Preserve); add a model row; add an access point to release and amend Conservation Easements; add units; amend Conditions of Approval (Planning); and re-allocate land area.

General Location: South of Boynton Beach Boulevard at the terminus of Acme Dairy Road; North of Boynton Beach Boulevard and west of and adjacent to Lyons Road. **(Valencia Cove AGR-PUD)** (Control 2004-00369)

Pages 104 – 229
 Conditions of Approval Pages (116-137)
 Project Manager: Joyce Lawrence
 Size: 2, 070.59 acres ±
 (affected area 1,408.00 acres ±)

BCC District: 5, 6

Staff Recommendation: Staff recommends denial of the Type II Variance to allow an increase in the building coverage for single-family units from 40 percent to 44 percent and approval of the Official Zoning map Amendment subject to 1 Condition of Approval as indicated in Exhibit C-2, and approval of the Development Order Amendment subject to 57 Conditions of Approval as indicated in Exhibit C-3.

People who spoke on application

***This application was presented and commented on in conjunction with Items 2 and 3. Please see the summary for Item 2.**

MOTION: To adopt a resolution denying a Type II Variance to allow an increase in the building coverage for single-family units from 40 percent to 44 percent.

Motion carried 5-2-1

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|-------|--------|----------|----------|-------------|-------|-----------|----------|--------|
| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
| Yes | No | Recused | Absent | Yes | No | Yes | Yes | Yes |
| | | | | Moved | | | Seconded | |

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District subject to the Condition of Approval as indicated in Exhibit C-2.

Motion carried 5-2-1

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|-------|--------|----------|----------|-------------|-------|-----------|----------|--------|
| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
| Yes | No | Recused | Absent | Yes | No | Yes | Yes | Yes |
| | | | | Moved | | | Seconded | |

MOTION: To recommend approval of the Development Order Amendment o reconfigure the Master Plan; add land area (Development and Preserve); add a model row; add an access point to release and amend Conservation Easements; add units; amend Conditions of Approval (Planning); and re-allocate land area subject to the Conditions of Approval as indicated in Exhibit C-3.

Motion carried 5-2-1

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|-------|--------|----------|----------|-------------|-------|-----------|----------|--------|
| Kanel | Snider | Anderson | Caliendo | Scarborough | Davis | Brumfield | Beatty | Currie |
| Yes | No | Recused | Absent | Yes | No | Yes | Yes | Yes |
| | | | | Moved | | | Seconded | |

DECISION: Approved and Recommended Approval as Amended 5-2-1

D. ZONING APPLICATIONS - NEW

E. SUBDIVISION VARIANCE

F. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

Wendy Hernandez, Zoning Manager, announced that the Code Revision Section would be contacting the members of the Architectural Subcommittee to meet again to discuss issues raised by the Board of County Commissioners at the December 4, 2014 Zoning BCC Hearing.

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

C. COMMISSIONER COMMENTS

ADJOURNMENT – 10:52 am

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

| | |
|---|---|
| LAST NAME—FIRST NAME—MIDDLE NAME <i>Anderson William Floyd</i> | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Zoning Commission</i> |
| MAILING ADDRESS <i>7630 Ardwick Dr</i> | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY COUNTY <i>Lake Worth FL Palm Beach</i> | NAME OF POLITICAL SUBDIVISION: |
| DATE ON WHICH VOTE OCCURRED <i>12-5-2014</i> | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> 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 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, William Floyd Anderson, hereby disclose that on December 5, 2014:

(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, Eric Hlwsmeier;
- 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 nephew Eric Hlwsmeier works for GLI Homes
The items before the board are agenda
Items 2-4.

12-5-2014
Date Filed

William F. Anderson
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.