

MEETING: BOARD OF COUNTY COMMISSIONERS, ZONING MATTERS

1. CALL TO ORDER: Board of County Commissioners sitting for the purpose of exercising zoning powers, zoning meeting of January 9, 2003, at 9:39 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

Chair Karen T. Marcus
Vice-Chair Tony Masilotti - Arrived later
Commissioner Burt Aaronson - Absent
Commissioner Addie L. Greene
Commissioner Jeff Koons
Commissioner Mary McCarty
Commissioner Warren H. Newell - Arrived later
Assistant County Attorney Robert P. Banks
Deputy Clerk Joan Haverly

1.B.1. INVOCATION - Commissioner Koons

1.B.2. PLEDGE OF ALLEGIANCE

1.C. REMARKS OF THE CHAIR

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and amendments to the Palm Beach County Unified Land Development Code, and the recommendations of the Land Use Advisory Board, Citizens Task Force, Land Development Regulation Commission, and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on January 9, 2003, at 9:30 a.m., in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

(CLERK'S NOTE: The following exchange took place immediately following the swearing-in.)

Commissioner Marcus asked if the reading of the preceding paragraph was a statutory requirement and commented that if it was, the board might support changing the statute. Assistant County Attorney Banks responded that he would look into the matter.

1.D. PROOF OF PUBLICATION APPROVED 1-9-2003

MOTION to receive and file proofs of publication 499262, 6732497, 6732502, 6780098, and 6832607. Motion by Commissioner Koons, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

PROOF OF PUBLICATION - CONTINUED

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 6512124 [9-26-2002]; 6595146 and 6656316 [10-24-2002]; and 6657076, 6694769, and 6715417 [12-9-2002]. These public hearings were continued to today's meeting.)

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.F. ADOPTION OF AGENDA

MOTION to adopt the agenda. Motion by Commissioner Koons, seconded by Commissioner Greene, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

1.F.1. AMENDMENTS TO AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
4	3.B.8.	Petition PDD2002-038 (Colony Preserve PUD): Amend conditions.
5	3.B.9.	DOA78-40(B) (Imagination Station, aka Wellman Plaza): Amend conditions.
5	3.B.11.	Petition Z/CA2002-045 (Boynton Beach Boulevard Medical Office): Amend conditions.
7	3.C.18.	Status Report CR 1976-006B/E21 (Sedona Commons): Amend conditions.
9	4.D.22.	Petition PDD/TDR2002-026 (Celebration Lake PUD): Amend conditions.

2. POSTPONEMENTS AND WITHDRAWALS - See pages 3-4.

3. CONSENT AGENDA - See pages 5-8.

4. REGULAR AGENDA - See pages 8-14.

5. DIRECTOR COMMENTS - See page 15.

6. COMMISSIONER COMMENTS - None

7. ADJOURNMENT - See page 15.

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. PETITION 2002-011

RESOLUTION APPROVING PETITION PDD2002-011 (JOHNSON PROPERTY MUPD) OF LAWRENCE GIDEON JOHNSON, BY GEORGE G. GENTILE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT FOR THE 54.6-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND THE FLORIDA TURNPIKE. PETITIONER REQUESTED A 30-DAY POSTPONEMENT. (P.O.P. 6512124 [9-26-2002]) POSTPONED TO JANUARY 23, 2003 -- 1-9-2003

2.A.2. PETITION 97-85

RESOLUTION APPROVING PETITION DOA97-85(A) (GATEWAY GARDENS PUD [PLANNED UNIT DEVELOPMENT]) OF MEADOWLAND DEVELOPMENT CORPORATION, BY HELEN LAVALLEY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA, ADD UNITS, AND MODIFY/DELETE CONDITIONS OF APPROVAL FOR THE 39.30-ACRE PROPERTY LOCATED APPROXIMATELY 3,400 FEET NORTH OF GATEWAY BOULEVARD, BOUNDED ON THE EAST BY MILITARY TRAIL AND ON THE WEST BY HAVERHILL ROAD. PETITIONER REQUESTED A 30-DAY POSTPONEMENT. (P.O.P. 6732497, 6780098, AND 6832607) POSTPONED TO JANUARY 23, 2003 -- 1-9-2003

2.A.3. PETITION 2001-066

RESOLUTION APPROVING PETITION PDD/TDR2001-066(A) (PALOMINO PLACE PUD) OF JAMES SHILLINGLAW, FRANCESKA MALCK, AND RAJA MALEK, BY PRESS TOMPKINS, JR., AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT AND FOR A TRANSFER OF DEVELOPMENT RIGHTS FOR 22 UNITS AND DESIGNATING THIS PETITION AS THE RECEIVING AREA. THE 39.3-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF PALOMINO DRIVE AND STATE ROAD 7 (U.S. 441). ZONING COMMISSION POSTPONED THE ITEM FOR 30 DAYS. (P.O.P. 6595146 AND 6656316 [10-24-02]) POSTPONED TO JANUARY 23, 2003 -- 1-9-2003

No backup provided.

2.A.4. PETITION 2002-020

RESOLUTION APPROVING PETITION PDD2002-020 (BERNARD HAAS PUD) OF GEORGE HAAS AND DOROTHY HAAS, BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR THE 47.96-ACRE PROPERTY LOCATED APPROXIMATELY 0.25 MILE SOUTH OF LAKE WORTH ROAD ON THE EAST SIDE OF LYONS ROAD. PETITIONER REQUESTED A 30-DAY POSTPONEMENT. (P.O.P. 6657076 AND 6694769 [12-9-2002]) POSTPONED TO JANUARY 23, 2003 -- 1-9-2003

POSTPONEMENTS - CONTINUED

2.A.5.

PETITION 2001-017

RESOLUTION APPROVING PETITION EAC2001-017(A) (10TH & BOUTWELL BP) OF BP PRODUCTS NORTH AMERICA INC., BY TIMOTHY BAUER, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION TO MODIFY/DELETE CONDITIONS OF APPROVAL FOR THE 1.0-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 10TH AVENUE NORTH AND BOUTWELL ROAD. PETITIONER REQUESTED A 60-DAY POSTPONEMENT. (P.O.P. 6715417 [12-9-2002]) POSTPONED TO FEBRUARY 27, 2003 -- 1-9-2003

3.C.15.

PETITION 93-39

STATUS REPORT SR 1993-039A.2 FOR RESOLUTIONS R-97-2072 AND R-97-2073 (PETITION 93-39[A]) (CAMERON PARK PUD) OF SECURITY CAPITAL ATLANTIC, INC., PETITIONER (PROPERTY OWNER: P. A. PETERSON, JR., E. D. PETERSON, AND SECURITY CAPITAL ATLANTIC, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR BOTH RESOLUTIONS. THE 38.58-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.54 MILE WEST OF MILITARY TRAIL ON THE SOUTH SIDE OF ATLANTIC AVENUE AND IS ZONED PLANNED UNIT DEVELOPMENT. POSTPONED TO FEBRUARY 27, 2003 -- 1-9-2003

Zoning Director William C. Whiteford said it had been brought to his attention that the petitioner for item 3.C.15. wished to ask for a postponement. Chuck Millar, agent, then requested a 60-day postponement. He said the project did not have a concurrency reservation and therefore was not affected by the future amendments to the traffic performance standards.

PUBLIC COMMENT: None

MOTION to POSTPONE items 2.A.1., 2.A.2., 2.A.3., and 2.A.4. to January 23, 2003, and items 2.A.5. and 3.C.15. to February 27, 2003. Motion by Commissioner Greene, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Masilotti, and Newell absent.

2.B. WITHDRAWALS

2.B.6.

PETITION 2002-016

RESOLUTION APPROVING PETITION PDD2002-016 (LANTANA/TURNPIKE SSSF) OF JAMES J. O'BRIEN, TRUSTEE, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT WITH A SELF-SERVICE STORAGE FACILITY AND ACCESSORY VEHICLE RENTAL AS REQUESTED USES ON THE 10.06-ACRE PROPERTY LOCATED ON THE NORTH SIDE OF LANTANA ROAD WEST OF THE FLORIDA TURNPIKE. REQUEST WITHDRAWN BY PETITIONER. (P.O.P. 6732502) WITHDRAWN; NO BCC MOTION REQUIRED -- 1-9-2003

(CLERK'S NOTE: Commissioner Masilotti joined the meeting.)

3. CONSENT AGENDA

PUBLIC COMMENT: None

MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 5-0. Commissioners Aaronson and Newell absent.

3.A. REQUESTS TO PULL ITEMS FROM CONSENT

Following a general discussion of item 3.C.18. prior to approval of the consent agenda, which took place later in the meeting (see pages tk), Commissioner Masilotti pulled the item for later discussion (see pages tk).

3.B. ZONING PETITIONS

3.B.7. RESOLUTION R-2003-0090

RESOLUTION APPROVING PETITION Z2002-051 (TERCILLA REZONING) OF RENE TERCILLA AND GINA TERCILLA, PETITIONER-AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL TRANSITIONAL FOR THE 4.05-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WILSON ROAD AND CLEARY ROAD. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED WITH CONDITIONS 1-9-2003

3.B.8. RESOLUTION R-2003-0091

RESOLUTION APPROVING PETITION PDD2002-038 (COLONY PRESERVE PUD) OF STRATFORD GREENS LLC AND A. E. VERZALL, BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR THE 35.49-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILITARY TRAIL AND FLAVOR PICT ROAD. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED WITH CONDITIONS AS AMENDED 1-9-2003

Zoning Director Whiteford commented that the item had been amended on the amendments to the agenda sheet.

**3.B.9. RESOLUTION R-2003-0092
(AMENDS R-78-286 AND R-99-104)**

RESOLUTION APPROVING PETITION DOA78-40(B) (IMAGINATION STATION, AKA WELLMAN PLAZA) OF WELLMAN CARE INC., BY KEVIN MCGINLEY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO REDESIGNATE LAND USES, MODIFY/DELETE CONDITIONS OF APPROVAL, AND ADD A GENERAL DAYCARE ON THE 3.5-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILITARY TRAIL AND MELALEUCA LANE. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED WITH CONDITIONS AS AMENDED 1-9-2003

This item was amended on the amendments to the agenda sheet.

CONSENT AGENDA - CONTINUED

3.B.10.

**RESOLUTION R-2003-0093
(AMENDS R-90-357)**

RESOLUTION APPROVING PETITION DOA89-88(A) (MEMORY GARDENS) FOR A DEVELOPMENT ORDER AMENDMENT TO ADD SQUARE FOOTAGE TO THE 36.72-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF KIRK ROAD AND 10TH AVENUE NORTH. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED WITH CONDITIONS 1-9-2003

3.B.11.

a.

RESOLUTION R-2003-0094

RESOLUTION APPROVING PETITION Z2002-045 (BOYNTON BEACH BOULEVARD MEDICAL OFFICE) OF TOM HEAD, JR., BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO COMMERCIAL LOW OFFICE FOR THE 2.16-ACRE PROPERTY LOCATED APPROXIMATELY 1,650 FEET EAST OF HAGEN RANCH ROAD ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED 1-9-2003

b.

RESOLUTION R-2003-0095

RESOLUTION APPROVING PETITION CA2002-045 (BOYNTON BEACH BOULEVARD MEDICAL OFFICE) OF TOM HEAD, JR., BY KIERAN J. KILDAY, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A MEDICAL OFFICE AND A VETERINARY CLINIC ON THE 2.16-ACRE PROPERTY LOCATED APPROXIMATELY 1,650 FEET EAST OF HAGEN RANCH ROAD ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED WITH CONDITIONS AS AMENDED 1-9-2003

Zoning Director Whiteford observed that this item was amended on the amendments to the agenda sheet.

3.C. STATUS REPORTS

3.C.12.

PETITION 83-153

STATUS REPORT SR 1983-153C.2 FOR RESOLUTIONS R-84-349, R-84-350, AND R-96-1965 (THE LAST APPROVING A STIPULATED SETTLEMENT AGREEMENT) FOR PETITION 83-153(C) (VICTORIA WOODS) OF ROBERT C. MALT, PETITIONER (PROPERTY OWNER: CORONA LAND DEVELOPMENT, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR THE THREE RESOLUTIONS. AFFECTED ARE 42.54 UNPLATTED ACRES OF A 164.6-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE EAST OF JOG ROAD ON THE SOUTH SIDE OF SUMMIT BOULEVARD, WHICH IS ZONED SINGLE-FAMILY RESIDENTIAL WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT. APPROVED 1-9-2003

CONSENT AGENDA - CONTINUED

3.C.13.

PETITION 87-152

STATUS REPORT SR 1987-152C.2 FOR RESOLUTION R-94-778 FOR PETITION 87-152(C) (SOUTHERN SELF STORAGE) OF SOUTHERN SELF STORAGE, PETITIONER (PROPERTY OWNER: PUBLIC STORAGE INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-94-778. THE 8.6-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.4 MILE SOUTH OF HYPOLUXO ROAD ON THE EAST SIDE OF MILITARY TRAIL AND IS ZONED GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT TO AMEND THE MASTER PLAN AND ALLOW SELF-STORAGE (PLANNED COMMERCIAL DEVELOPMENT). APPROVED 1-9-2003

3.C.14.

PETITION 92-35

STATUS REPORT SR 1992-35.4 FOR RESOLUTION R-92-1839 FOR PETITION 92-35 (FLORAL ACRES) OF ARTHUR ROSACKER, PETITIONER (PROPERTY OWNER: PORTALEGRE INC. AND WEST DELRAY REALTY, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-92-1839. AFFECTED ARE 2.98 ACRES OF THE 4.58-ACRE PROPERTY LOCATED APPROXIMATELY 0.25 MILE EAST OF JOG ROAD ON THE SOUTH SIDE OF WEST ATLANTIC AVENUE AND IS ZONED GENERAL COMMERCIAL. APPROVED 1-9-2003

3.C.15. See page tk.

3.C.16.

PETITION 95-77

STATUS REPORT SR 1995-77.2 FOR RESOLUTION R-1996-261.1 FOR PETITION 95-77 (WOOLBRIGHT PROFESSIONAL/MEDICAL OFFICE) OF QUAIL RIDGE PROPERTY OWNERS ASSOCIATION, PETITIONER (PROPERTY OWNER: JEFFREY LISSAUER AND JOAN LISSAUER), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-1996-261.1. THE 1.5-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.25 MILE EAST OF MILITARY TRAIL ON THE NORTH SIDE OF WOOLBRIGHT ROAD AND IS ZONED COMMERCIAL HIGH OFFICE. APPROVED 1-9-2003

3.C.17.

**RESOLUTION R-2003-0096
(REVOKES R-99-2076)**

RESOLUTION FOR STATUS REPORT SR 1999-033 FOR RESOLUTIONS R-99-2075 AND R-99-2076 FOR PETITION 99-33 (KIDSTOWN LEARNING CENTER) OF POUPORE LTD FAMILY PARTNERSHIP, PETITIONER-PROPERTY OWNER, TO REVOKE R-99-2076, WHICH APPROVED A CLASS A CONDITIONAL USE TO ALLOW A GENERAL DAY CARE. THE 2.31-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF LANTANA ROAD AND HAGEN RANCH ROAD AND IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN WITH THE CONDITIONAL USE AS STATED. ADOPTED 1-9-2003

CONSENT AGENDA - CONTINUED

3.C.18.

PETITION 76-6

RESOLUTION FOR STATUS REPORT CR 1976-006B/E21 FOR RESOLUTION R-2002-1234 FOR PETITION 76-6(B) (SEDONA COMMONS) OF 8190 INVESTMENT, PETITIONER-PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (RIGHT-OF-WAY) AND APPROVE A TIME EXTENSION UNTIL APRIL 15, 2003, TO COMPLY WITH CONDITION E.21. OF R-2002-1234. THE 2.6-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF BENOIST FARMS ROAD AND OKEECHOBEE BOULEVARD AND IS ZONED SPECIALIZED COMMERCIAL WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED PROFESSIONAL OFFICE/BUSINESS PARK AND WITH A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND ADD SQUARE FOOTAGE. CONTINUED LATER IN MEETING 1-9-2003

Zoning Director Whiteford remarked that the item was modified on the amendments to the agenda sheet.

Commissioners and staff discussed at some length the reason for the item being under review, i.e., failure to comply with a condition approved on July 25, 2002, requiring the property owner to convey a temporary roadway construction easement along Okeechobee Boulevard to the county. The board's options in addressing the matter were also explored.

Commissioner Masilotti commented on the repeated issuance of temporary CRALLS (constrained roadway at a lower level of service) on Okeechobee Boulevard brought about by trips being consumed by non-existent projects. Sedona Commons was just such a project, he said, and kept churches, medical buildings, and other projects from being built. After further board and staff discussion, Commissioner Masilotti pulled the item from consent. (For continued discussion of the item, see page tk.)

(CLERK'S NOTE: The consent agenda motion was made at this time; see page tk.)

4. REGULAR AGENDA

4.A. TDR ANNUAL REPORT - See page tk.

4.B. ITEM PULLED FROM CONSENT

(CLERK'S NOTE: Item 3.C.18. was discussed earlier; see pages tk.)

3.C.18.

RESOLUTION R-2003-0097 (AMENDS R-2002-1234)

RESOLUTION FOR STATUS REPORT CR 1976-006B/E21 FOR RESOLUTION R-2002-1234 FOR PETITION 76-6(B) (SEDONA COMMONS) OF 8190 INVESTMENT, PETITIONER-PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (RIGHT-OF-WAY) AND APPROVE A TIME EXTENSION UNTIL APRIL 15, 2003, TO COMPLY WITH CONDITION E.21. OF R-2002-1234. THE 2.6-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF BENOIST FARMS ROAD AND OKEECHOBEE BOULEVARD AND IS ZONED SPECIALIZED COMMERCIAL WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED PROFESSIONAL OFFICE/BUSINESS PARK AND WITH A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND ADD SQUARE FOOTAGE. ADOPTED WITH CONDITIONS AS AMENDED AND WITH DIRECTION 1-9-2003

REGULAR AGENDA (ITEM PULLED FROM CONSENT) - CONTINUED

3.C.18. - CONTINUED

Commissioner Masilotti expressed concern about granting additional development rights to developers who fail to cooperate with the county by not fulfilling their obligations. In this instance, six months after granting such a right, the county had not been given the agreed-to roadway construction easement for a road in need of widening. Developers needed to be made to understand that the board expected compliance with conditions. Accordingly, he said he would make a motion to approve the requested time extension to April 15 with the understanding that he would oppose any extensions beyond that date.

MOTION to adopt a resolution to amend conditions of approval (right-of-way) as amended and to approve the time extension to April 15, 2003, to comply with condition E.21. (temporary roadway construction easement). Motion by Commissioner Masilotti and seconded by Commissioner Greene.

Commissioner Marcus requested board consensus in directing staff to aggressively deal with similar projects in other overcapacity corridors and in areas in which corridor master plans were contemplated, and to recapture some of that capacity. Commissioner Masilotti agreed.

Jim Exline, agent, stated that the project was in compliance and had commenced. The petitioner had come in the previous summer for a site plan approval of a vested second building and, upon finding two resolution conditions in conflict, requested an extension to work with staff in order to resolve what he characterized as a simple error. Mr. Exline said he had the easement deed and that it had been ignored. Commissioner Masilotti requested Mr. Exline to give the deed to Land Development Director Kenneth S. Rogers. The agent agreed.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Aaronson and Newell absent.

4.A. TDR ANNUAL REPORT 2001-02

4.A.19.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) ANNUAL REPORT FOR 2001-02 AND A REVISION OF TDR UNIT PRICE CALCULATION FROM INFLATION TO THE PERCENTAGE INCREASE IN VALUE OF VACANT RESIDENTIAL LAND. APPROVED NEW PROCESS 1-9-2003

Senior Planner Maggie Smith gave the staff presentation:

- At the December 9, 2002, zoning meeting, the board directed staff to reassess the TDR price per unit, given the rising property values.
- At that meeting, staff had recommended an FY 2003 TDR unit price of \$10,544. This reflected an inflation adjustment of \$145 over the previous year's price of \$10,399.
- The Land Use Advisory Board recommended keeping the unit price at \$10,399.

REGULAR AGENDA - CONTINUED

4.A.19. - CONTINUED

- In keeping with board direction, staff looked at indexing the unit price to the annual percentage increase in the value of vacant residential land. Based on 2002 preliminary information from the property appraiser's office, the new methodology results in a revised TDR unit price of \$13,308 for FY 2003.

MOTION to approve the new process. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 5-0. Commissioners Aaronson and Newell absent.

4.C. PREVIOUSLY POSTPONED ZONING PETITION

4.C.20. **RESOLUTION R-2003-0098 (AMENDS R-89-441, R-93-1362, AND R-94-505; REVOKES R-77-483)**

RESOLUTION FOR PETITION DOA77-48(E) (WESTERN PLAZA [HOME DEPOT]) OF WAL-MART STORES, BY KEVIN WORKMAN, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO MODIFY THE SITE PLAN AND BUILDING SQUARE FOOTAGE ON THE 27.36-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STATE ROAD 7 (U.S. 441) AND SOUTHERN BOULEVARD. (P.O.P. 6657076 AND 6694769 [12-9-2002]) ADOPTED WITH CONDITIONS AS AMENDED 1-9-2003

Principal Site Planner Maryann Kwok stated that at the December 9, 2002, zoning meeting, this item had been postponed for 30 days to enable the petitioner to reevaluate the parking spaces found to be inadequate by the board. On December 20, the petitioner provided staff with a copy of a parking study analysis; staff reviewed the study and determined the parking to be sufficient, she said.

Commissioner Masilotti recalled that an additional issue at the previous meeting was requiring the petitioner's landscaping and signage to be consistent with the area's most stringent landscaping and sign codes, i.e., those of the Village of Royal Palm Beach. Zoning Director Whiteford said that the village had reviewed the project for consistency with their guidelines and concluded that it met their requirements. Commissioner Marcus observed there would be no problem, therefore, in adding a condition that the project would meet all village sign and landscape codes. Assistant County Attorney Banks agreed, provided the village's codes were more stringent than the county's. Commissioner Marcus agreed.

Sara Lockhart, agent, agreed to the proposed condition.

MOTION to adopt a resolution approving a development order amendment to modify the site plan and building square footage, subject to conditions as amended. Motion by Commissioner Masilotti and seconded by Commissioner Koons.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Aaronson and Newell absent.

REGULAR AGENDA - CONTINUED

4.D. ZONING PETITIONS

4.D.21.

a. PETITION 81-96

RESOLUTION FOR PETITION Z/DOA81-96(C) (LANTANA TRANSFER STATION) OF SOLID WASTE AUTHORITY, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM SINGLE-FAMILY RESIDENTIAL TO PUBLIC OWNERSHIP AND FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA, RECONFIGURE THE SITE PLAN, AND MODIFY/DELETE CONDITIONS OF APPROVAL FOR A PROPERTY (EXISTING: 49.57 ACRES; PROPOSED: 63.38 ACRES [+13.81 ACRES]) LOCATED ON THE SOUTH SIDE OF LANTANA ROAD, BOUNDED ON THE EAST BY INTERSTATE 95 AND ON THE WEST BY HIGH RIDGE ROAD. THE MATTER FOR CONSIDERATION IS WHETHER THIS REQUEST MEETS COMPREHENSIVE PLAN AND UNIFIED LAND DEVELOPMENT CODE (ULDC) CRITERIA TO PERMIT THIS NON-RESIDENTIAL USE IN A RESIDENTIAL AREA. (P.O.P. 499262, 6732497, AND 6780098) APPROVED 1-9-2003

b. PETITION 81-96

RESOLUTION FOR PETITION Z81-96(C) (LANTANA TRANSFER STATION) OF SOLID WASTE AUTHORITY, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM SINGLE-FAMILY RESIDENTIAL (RS) TO PUBLIC OWNERSHIP (PO) FOR THE 13.81-ACRE PARCEL LOCATED ON THE SOUTH SIDE OF LANTANA ROAD, BOUNDED ON THE EAST BY INTERSTATE 95 AND ON THE WEST BY HIGH RIDGE ROAD. (THE PRELIMINARY SITE PLAN INDICATES THE ADDITION OF THE 13.81 ACRES TO THE EXISTING 49.57-ACRE PROPERTY FOR A TOTAL OF 63.38 ACRES.) (P.O.P. 499262, 6732497, AND 6780098) APPROVED 1-9-2003

c. PETITION 81-96

RESOLUTION FOR PETITION Z/DOA81-96(C) (LANTANA TRANSFER STATION) OF SOLID WASTE AUTHORITY, BY KIERAN J. KILDAY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA, RECONFIGURE THE SITE PLAN, AND MODIFY/DELETE CONDITIONS OF APPROVAL FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF LANTANA ROAD, BOUNDED ON THE EAST BY INTERSTATE 95 AND ON THE WEST BY HIGH RIDGE ROAD. THE PRELIMINARY SITE PLAN INDICATES THE ADDITION OF 13.81 ACRES TO THE EXISTING 49.57-ACRE PROPERTY FOR A TOTAL OF 63.38 ACRES. (P.O.P. 499262, 6732497, AND 6780098) APPROVED WITH CONDITIONS AS AMENDED 1-9-2003

Senior Planner William Cross highlighted a landscaping issue during staff presentation. The petitioner was willing to incorporate a berm into the landscape buffer along High Ridge Road and was supported in this by the Zoning Commission, but Planning Division staff recommended the berm be prohibited in accordance with the High Ridge Corridor Study.

Senior Planner Jim Bell explained that the High Ridge Corridor Study specifically recommended that any new development shall maintain or enhance existing vegetation buffer along the roadway consistent with area vegetation. There were no other berms on High Ridge Road, he said.

REGULAR AGENDA - CONTINUED

4.D.21. - CONTINUED

Discussion determined that in an earlier meeting, the board had accepted the study for receipt and file but had not actually adopted it.

Questioned by Commissioner Marcus, Mr. Cross explained that the 13.81-acre parcel had very little existing native vegetation whereas the rest of the property did.

Commissioner McCarty expressed herself in agreement with the recommendation of the Zoning Commission given the lack of native vegetation on the parcel. Commissioner Masilotti agreed.

Commissioner Marcus agreed with her colleagues and added that native vegetation should be planted alongside of and atop the berm for consistency with the look of the corridor.

Kieran J. Kilday, agent, informed the board that the Solid Waste Authority had promised the residents to include a berm. He described the proposed berm and landscaping in detail and said it would be similar to that at the Donald Ross Road transfer station in the North County. Commissioner Marcus agreed to the proposal, saying she expected the berm and landscaping to be consistent with the northern transfer station's thick, lush native vegetation.

PUBLIC COMMENT: None

MOTION to approve the item including a native landscaped berm. Motion by Commissioner Masilotti and seconded by Commissioner Koons.

Assistant County Attorney Banks directed the board's attention to the motions on the agenda.

MOTION WITHDRAWN.

MOTION to find that this request meets the Comprehensive Plan and ULDC criteria to permit this non-residential use in a residential area. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 5-0. Commissioners Aaronson and Newell absent.

MOTION to approve a rezoning from RS to PO on first hearing and to convene the second public hearing on January 23, 2003, at 9:30 a.m. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 5-0. Commissioners Aaronson and Newell absent.

MOTION to approve a development order amendment to add land area, reconfigure the site plan, and modify/delete conditions of approval, including an added condition for a native landscaped berm, on first hearing and to convene the second public hearing on January 23, 2003, at 9:30 a.m. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 5-0. Commissioners Aaronson and Newell absent.

Zoning Director Whiteford explained that the Florida Statutes require county-initiated petitions to have two public hearings.

REGULAR AGENDA - CONTINUED

4.D.22.

a.

RESOLUTION R-2003-0099

RESOLUTION APPROVING PETITION PDD2002-026 (CELEBRATION LAKE PUD) OF CELEBRATION CHURCH, BY JENNIFER MORTON, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 19.55-ACRE PROPERTY LOCATED APPROXIMATELY 500 FEET WEST OF SANSBURY'S WAY ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED WITH CONDITIONS AS AMENDED 1-9-2003

b.

RESOLUTION R-2003-0100

RESOLUTION APPROVING PETITION TDR2002-026 (CELEBRATION LAKE PUD) OF CELEBRATION CHURCH, BY JENNIFER MORTON, AGENT, FOR A TRANSFER OF DEVELOPMENT RIGHTS FOR TWO UNITS AND DESIGNATING THIS PETITION AS THE RECEIVING AREA. THE 19.55-ACRE PROPERTY IS LOCATED APPROXIMATELY 500 FEET WEST OF SANSBURY'S WAY ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD. (P.O.P. 6732497, 6780098, AND 6832607) ADOPTED WITH CONDITIONS AND WITH DIRECTION 1-9-2003

Planning conditions H.1. and H.2. were deleted on the amendments to the agenda sheet.

Staff presentation was given by Senior Planner Cross in which he stated that at the Zoning Commission meeting, the petitioner agreed to the Breakers West PUD request that nighttime security be provided during construction. They have since asked that the condition (I.9.) be modified to provide such security until 25 percent of the units (i.e., 10 homes) had received their certificate of occupancy. The change was reflected on the amendments to the agenda sheet, he said.

Mr. Cross said that yesterday, the petitioner had requested a modification to condition K.1. that the maximum sign height would be six feet excluding architectural features such as towers and columns. Staff had no objection, he said.

Joe Lelonek, agent, requested additional changes to the conditions of approval:

- Condition E.1.: Add "if required by the Florida Department of Transportation" to the first sentence.
- Condition E.2.: (1) Add that \$104,000 would be the amount of funding for the drainage requirement in the event the county engineer elected to have a cash-out of that option versus the petitioner providing on-site retention; and (2) change "February 1, 2003," in the first sentence to "July 15, 2003," to allow the petitioner to provide financing options for that funding.

REGULAR AGENDA - CONTINUED

4.D.22. - CONTINUED

Discussion focused on the petitioner's concurrency reservation for 50 units and the petitioner's proposed development of 41 units and the trips generated from the reduced number. Zoning Director Whiteford said that if the board approved the item today at 41 units, it would go back to the Development Review Committee (DRC). Prior to the DRC approving the project's final master plan or any site plans, the concurrency reservation would be revised to reflect 41 units and their trips (410) would be added back into the Metropolitan Planning Organization (MPO) traffic model. Commissioner Marcus asked Mr. Whiteford to find out how long it would take for the revision to be reflected in the model.

(CLERK'S NOTE: Commissioner Newell joined the meeting.)

Commissioner Marcus commented that the traffic model, which was based on existing land use, might need to be run more frequently and recommended that this be taken up with the MPO.

PUBLIC COMMENT:

Charles J. Baumann, representing Breakers West PUD, enumerated the requests to which the petitioner had agreed. He expressed curiosity about the buildout date and was told by Commissioner Marcus that staff was looking for that information.

Agent Lelonek said the petitioner would construct a right-turn lane if required by the Florida Department of Transportation (DOT) since it was under the department's review. Commissioner Masilotti suggested contacting DOT to shift the emphasis from "required" to "approved." Morning eastbound traffic on Okeechobee Boulevard tended to be very congested, he said, and adding the right-turn lane at the project's entrance would improve the traffic flow. Mr. Lelonek agreed. Commissioner Marcus said condition E.1. would be changed accordingly.

Commissioner Marcus asked if Breakers West was agreeable to the change in condition K.1. as discussed. Mr. Baumann indicated agreement.

MOTION to adopt a resolution approving a rezoning from RTS to residential PUD subject to conditions as amended, including the changes to conditions E.1. and K.1. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 6-0. Commissioner Aaronson absent.

Assistant County Attorney Banks asked if the board wished to impose the new TDR price (\$13,308) in the TDR resolution. Commissioner Masilotti responded in the negative because, he said, the project was in process before the board directed a TDR unit price reevaluation.

MOTION to adopt a resolution allowing a transfer of development rights for two units and designating this petition as the receiving area and with payment going to Environmental Resources Management Department for the purchase of additional environmentally sensitive land. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 6-0. Commissioner Aaronson absent.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR - None

UNSCHEDULED ITEM

5.B. PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR

5.B.23.

AUTHORIZATION TO FILE A FORMAL OBJECTION, FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, TO THE PROPOSED VILLAGE OF WELLINGTON COMPREHENSIVE PLAN AMENDMENT ANNEXING STATE ROAD 7 EAST, A 47.32-ACRE PROPERTY LOCATED ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441), APPROXIMATELY 4,000 FEET NORTH OF FOREST HILL BOULEVARD. APPROVED 1-9-2003

Planning, Zoning and Building Executive Director Barbara Alterman requested board direction on the Village of Wellington's proposed annexation of the property known as State Road 7 East. She said that the annexation would create an enclave or isolated pocket opposite to State Road 7 East on the west side of State Road 7, depending on how the definition of *enclave* is determined on State Road 7. The village proposed to change the land use from the county's low residential, 2 units per acre, to uses including commercial and industrial. The Engineering and Public Works Department and the Planning Division had objected by letter to the increased density and intensity created by the proposed land uses. Staff needed authority to object to the annexation as well, she said.

Responding to questions by Commissioner Newell, Principal Planner Lisa Lowe said that the property was an issue of conflict not between Wellington and the Village of Royal Palm Beach but between Wellington and the City of Greenacres. The city was filing an objection through the Intergovernmental Plan Amendment Review Committee, she said.

Commissioner Masilotti said the proposed land uses were incompatible with the surrounding residential area.

MOTION to authorize staff to file a formal objection to the proposed annexation. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 6-0. Commissioner Aaronson absent.

6. COMMISSIONER COMMENTS - None

7. ADJOURNMENT

The chair declared the meeting adjourned at 10:28 a.m.

ATTESTED:

APPROVED:

Clerk

Chair