

**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 23, 2003, at 9:38 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 - Absent  
Vice-Chair Tony Masilotti  
Commissioner Burt Aaronson  
Commissioner Addie L. Greene  
Commissioner Jeff Koons  
Commissioner Mary McCarty  
Commissioner Warren H. Newell  
Assistant County Attorney Robert P. Banks  
Deputy Clerk Joan Haverly

**1.B.1. INVOCATION - Commissioner McCarty**

**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 23, 2003, at 9:30 a.m., in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

(CLERK'S NOTE: Remarks of the Chair were not read.)

**1.D. PROOF OF PUBLICATION APPROVED 1-23-2003**

**MOTION to receive and file proofs of publication 499286, 6829626, 6829649, 6864014, and 6898247. Motion by Commissioner Koons, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

(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]; 6657076 and 6694769 [12-9-2002]; and 499262, 6732497, 6780098, and 6832607 [1-9-2003]. 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 Greene, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

**1.F.1. AMENDMENTS TO AGENDA**

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
4	3.B.8.	<b>Petition DOA97-85(A) (Gateway Gardens PUD):</b> Postpone to February 27, 2003.
5	3.B.12.	<b>Petition EAC76-105(B) (Royal Mart Hilltop Park):</b> Amend conditions of approval.
6	3.B.13.	<b>Petition Z/DOA81-96(C) (Lantana Transfer Station):</b> Amend conditions of approval.
7	3.D.18.	<b>Status Report SR 85-171.6 for Petition 85-171 (Dorfman PUD):</b> Amend motion.
14	4.E.36.	<b>Petition PDD2001-066(A) (Palomino Place PUD):</b> Amend conditions of approval.
15	5.B.38.	<b>Commercial Low Appeal:</b> Postpone to February 27, 2003.

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

**3. CONSENT AGENDA - See pages 5-11.**

**4. REGULAR AGENDA - See pages 12-20.**

**5. DIRECTOR COMMENTS - See pages 20-21.**

**6. COMMISSIONER COMMENTS - See page 21-22.**

**7. ADJOURNMENT - See page 22.**

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**2. POSTPONEMENTS AND WITHDRAWALS**

**2.A. POSTPONEMENTS**

**2.A.1. PETITION 2002-011**

RESOLUTION FOR PETITION PDD2002-011 (JOHNSON PROPERTY MUPD) OF LAWRENCE GIDEON JOHNSON, BY GEORGE G. GENTILE, AGENT, APPROVING AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) FOR THE 54.6-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND THE FLORIDA TURNPIKE. ZONING COMMISSION POSTPONED THE ITEM FOR 30 DAYS. (P.O.P 6512124 [9-26-2002]) POSTPONED TO FEBRUARY 27, 2003 -- 1-23-2003

**POSTPONEMENTS - CONTINUED**

**2.A.2.**

**PETITION 85-84**

RESOLUTION FOR PETITION Z/DOA85-84(E) (BEREAN BAPTIST CHURCH) OF BEREAN BAPTIST CHURCH, BY JOHN ABNEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM SINGLE-FAMILY RESIDENTIAL TO INSTITUTIONAL AND PUBLIC FACILITIES AND FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND RESTART THE COMMENCEMENT CLOCK. THE 16-2.-ACRE PROPERTY IS LOCATED WEST OF BENOIST FARMS ROAD ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD. ZONING COMMISSION POSTPONED THE ITEM FOR 30 DAYS. (P.O.P. 6829626 AND 6829649) POSTPONED TO FEBRUARY 27, 2003 -- 1-23-2003

No backup provided.

**2.A.3.**

**PETITION 2002-044**

RESOLUTION FOR PETITION Z/CB2002-044 (ROYAL CENTER) OF BIBI ENTERPRISES INC., BY KEVIN MCGINLEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) AND GENERAL COMMERCIAL ENTIRELY TO GENERAL COMMERCIAL AND FOR A CLASS B CONDITIONAL USE TO ALLOW A CAR WASH ON THE 2.07-ACRE PROPERTY LOCATED APPROXIMATELY 700 FEET NORTH OF 10TH AVENUE NORTH ON THE EAST SIDE OF MILITARY TRAIL. ZONING COMMISSION POSTPONED THE ITEM FOR 30 DAYS. (P.O.P. 6829626 AND 6829649) POSTPONED TO FEBRUARY 27, 2003 -- 1-23-2003

No backup provided.

**2.A.4.**

**PETITION 81-186**

RESOLUTION FOR PETITION DOA81-186(H) (POLLO TROPICAL AT LEE'S SQUARE) OF SPILAN INC., BY SARA LOCKHART, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ALLOW A FAST FOOD RESTAURANT ON THE 1.0-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LANTANA ROAD AND JOG ROAD. ZONING COMMISSION POSTPONED THE ITEM FOR 60 DAYS. (P.O.P. 6829626 AND 6829649) POSTPONED TO MARCH 27, 2003 -- 1-23-2003

**3.B.8.**

**PETITION 97-85**

RESOLUTION FOR 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. (P.O.P. 6732497, 6780098, AND 6832607 [1-9-2003]) POSTPONED TO FEBRUARY 27, 2003 -- 1-23-2003

Zoning Director William C. Whiteford noted during consent agenda review that a 30-day postponement was requested for this item on the amendments to the agenda sheet. The request was put forward by the Engineering and Public Works Department.

**POSTPONEMENTS - CONTINUED**

**5.B.38.**

FORMAL APPEAL BY NEIL J. GAETA, PRESIDENT OF GAETA DEVELOPMENT CO., OF THE PLANNING DIVISION'S INTERPRETATION AND THE LAND USE ADVISORY BOARD/LOCAL PLANNING AGENCY'S (LUAB/LPA) DETERMINATION OF THE COMPREHENSIVE PLAN WITH RESPECT TO A COMMERCIAL LOW FUTURE LAND USE ATLAS DESIGNATION DETERMINATION FOR THE 13.3-ACRE PROPERTY (00-42-43-27-03-001-0221) LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND SKEES ROAD, WHICH IS CURRENTLY IN USE AS THE PINE LAKE CAMP RESORT RECREATIONAL VEHICLE PARK. POSTPONED TO MARCH 27, 2003 -- 1-23-2003

Zoning Director Whiteford said the postponement request for this item had been changed to March 27, 2003, from the February 27, 2003, date on the amendments to the agenda sheet.

**3.B.9.**

**PETITION 2002-053**

RESOLUTION FOR PETITION Z2002-053 (VILLA PALMA PROFESSIONAL PARK) OF GIARDINA DI VILLA PALMA, BY GEORGE G. GENTILE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) TO GENERAL COMMERCIAL FOR THE 2.31-ACRE PROPERTY LOCATED APPROXIMATELY 250 FEET WEST OF MILITARY TRAIL ON THE NORTH SIDE OF NORTHLAKE BOULEVARD. (P.O.P. 6829626 AND 6829649) POSTPONED TO FEBRUARY 27, 2003 -- 1-23-2003

Wendy Mahr, agent, requested a 30-day postponement.

**2.B. WITHDRAWALS**

**3.D.21.**

**PETITION 96-79**

STATUS REPORT SR 1996-079.3 FOR RESOLUTION R-96-1950 (PETITION 96-79) (HERRING/LOGAN REZONING) OF TIDAL WAVE INVESTMENT CORPORATION/MURRAY LOGAN AND CLARENCE VOGEL, PETITIONER (PROPERTY OWNER: BRAMS ADVENTURES, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-96-1950. THE 2.84-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TALL PINES ROAD AND WALLIS ROAD AND IS ZONED LIGHT INDUSTRIAL. WITHDRAWN 1-23-2003

Zoning Director Whiteford said item 3.D.21. would be withdrawn.

PUBLIC COMMENT: None

**MOTION to POSTPONE items 2.A.1., 2.A.2., 2.A.3., 3.B.8., and 3.B.9. to February 27, 2003, and items 2.A.4. and 5.B.38. to March 27, 2003, and to WITHDRAW item 3.D.21. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Marcus absent.**

**3. CONSENT AGENDA**

PUBLIC COMMENT: None

**MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions. Motion by Commissioner Aaronson and seconded by Commissioner Koons.**

Commissioner Newell noted that many items on the consent agenda, such as **3.D.16.** (see page 8) and **3.D.20.** (see page 9), had been approved several years previously and had not yet been built and questioned why their approval had not been revoked. The vested trips of these unbuilt projects were contributing to a CRALLS (constrained roadway at a lower level of service) designation being applied to certain roadways, he said. His concerns were responded to by Principal Planner Linda Monroe and Land Development Director Kenneth S. Rogers. After discussion, Commissioner Newell recommended a postponement to look more fully into not only items 3.D.16. and 3.D.20. but also the entire issue. Commissioner Koons suggested further discussion at a later date to decide upon policy. Commissioner Aaronson proposed that that discussion take place in a workshop. Commissioner Masilotti questioned the county's liability for revoking development rights under the Bert J. Harris Act, Jr., Private Property Rights Protection Act. Assistant County Attorney Banks advised the board to defer acting on the matter until the new traffic performance standards provisions were in place. At that time, he said, if applicants could not demonstrate through a traffic study that they met the new code, the county would have the ability to revoke their approval.

**SUBSTITUTE MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions and to POSTPONE items 3.D.16. and 3.D.20. for 60 days (March 27, 2003). Motion by Commissioner Newell, seconded by Commissioner Koons, and carried 6-0. Commissioner Marcus absent.**

**3.A. REQUESTS TO PULL ITEMS FROM CONSENT**

Commissioner Masilotti pulled item 3.D.28. in response to being informed by Zoning Director Whiteford that a comment card had been submitted; see pages 12-13 for discussion.

**3.B. ZONING PETITIONS**

**3.B.5. RESOLUTION R-2003-0101**

RESOLUTION FOR PETITION Z2002-033 (ROYALL WALL SYSTEMS) OF ROYALL WALL SYSTEMS INC., BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO GENERAL INDUSTRIAL WITH A CONDITIONAL OVERLAY ZONE FOR THE 13.99-ACRE PROPERTY LOCATED APPROXIMATELY 700 FEET EAST OF PIKE ROAD ON THE SOUTH SIDE OF 7TH PLACE NORTH. (P.O.P. 6829626 AND 6829649) ADOPTED WITH CONDITIONS 1-23-2003

**CONSENT AGENDA - CONTINUED**

**3.B.6. RESOLUTION R-2003-0102**

RESOLUTION FOR PETITION Z2002-025 (SEASONAL ENTERPRISES) OF SEASONAL ENTERPRISES, BY KEVIN MCGINLEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO LIGHT INDUSTRIAL FOR THE 2.29-ACRE PROPERTY LOCATED APPROXIMATELY 800 FEET NORTH OF WALLIS ROAD ON THE EAST SIDE OF TALL PINES ROAD. (P.O.P. 6829626 AND 6829649) ADOPTED WITH VOLUNTARY COMMITMENTS 1-23-2003

**3.B.7. RESOLUTION R-2003-0103**

RESOLUTION FOR PETITION PDD2002-027 (US 441 LAND TRUST MUPD) OF LANCE UHLEY, TRUSTEE, BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) FOR THE 11.35-ACRE PROPERTY LOCATED APPROXIMATELY 370 FEET NORTH OF LANTANA ROAD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 6829626 AND 6829649) ADOPTED WITH CONDITIONS 1-23-2003

**3.B.8.** See page 3.

**3.B.9.** See page 4.

**3.B.10. RESOLUTION R-2003-0104  
(AMENDS R-99-6)**

RESOLUTION FOR PETITION DOA81-109(G) (RUBIN FUNERAL HOME AT ATLANTIC SQUARE) OF WEST DELRAY REALTY, INC., BY ROBERT E. BASEHART, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ALLOW A FUNERAL HOME ON THE 18.91-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND WEST ATLANTIC AVENUE. (P.O.P. 6829626 AND 6829649) ADOPTED WITH CONDITIONS 1-23-2003

**3.B.11. RESOLUTION R-2003-0105  
(AMENDS R-77-593 [PETITION 77-53], R-78-1134 [PETITION 78-195],  
AND R-80-1601 AND R-95-1735 [PETITION 80-167])**

RESOLUTION FOR PETITION DOA80-167(C) (POLO GROUNDS MALL) OF WEST PALM BEACH FLA, CPDC LTD., BY MARK SALTZ, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN, MODIFY/DELETE CONDITIONS OF APPROVAL, AND RESTART THE COMMENCEMENT CLOCK FOR THE 17.33-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF SUMMIT BOULEVARD AND MILITARY TRAIL. (P.O.P. 6829626 AND 6829649) ADOPTED WITH CONDITIONS 1-23-2003

**3.B.12. RESOLUTION R-2003-0106  
(AMENDS R-84-54)**

RESOLUTION FOR PETITION EAC76-105(B) (ROYAL MART HILLTOP PARK) OF EASTERN PETROLEUM CORPORATION, BY ELLIE HALPERIN, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION TO MODIFY/DELETE CONDITIONS OF APPROVAL FOR THE 0.55-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTHLAKE BOULEVARD AND MOUNT HOLLY DRIVE. (P.O.P. 6864014) ADOPTED WITH CONDITIONS AS AMENDED 1-23-2003

## CONSENT AGENDA - CONTINUED

### 3.B.12. - CONTINUED

Zoning Director Whiteford noted that the amendments to the agenda sheet contained revised conditions of approval (D.1., F.1., H.1., and J.2.) and that revised condition J.2. was being further modified. Senior Planner William Cross read the later modification:

Prior to final Development Review Committee approval, the petitioner shall revise the site plan to indicate required parking.

### 3.B.13.

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 [1-9-2003] AND 499286) APPROVED 1-23-2003

b.

#### **RESOLUTION R-2003-0107**

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 [1-9-2003] AND 499286) ADOPTED 1-23-2003

c.

#### **RESOLUTION R-2003-0108 (AMENDS R-2002-0302)**

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 [1-9-2003] AND 499286) ADOPTED WITH CONDITIONS AS AMENDED 1-23-2003

**CONSENT AGENDA - CONTINUED**

**3.B.13.c. - CONTINUED**

Condition H.7. was modified on the amendments to the agenda sheet.

**3.C. ABANDONMENT RESOLUTIONS**

**3.C.14. RESOLUTION R-2003-0109  
(REVOKES R-99-2249)**

RESOLUTION FOR PETITION ABN-CA99-49 (CELEBRATION CHURCH) TO ABANDON THE CLASS A CONDITIONAL USE ALLOWING A CHURCH OR PLACE OF WORSHIP. ADOPTED 1-23-2003

**3.C.15. RESOLUTION R-2003-0110  
(REVOKES R-85-1083)**

RESOLUTION FOR PETITION ABN85-31 (H & I EQUIPMENT CORPORATION) TO ABANDON THE SPECIAL EXCEPTION ALLOWING AN AUTO PAINT AND BODY SHOP. ADOPTED 1-23-2003

**3.D. STATUS REPORTS**

**3.D.16. PETITION 80-173**

STATUS REPORT SR 1980-173C.4 FOR RESOLUTION R-94-1681 (PETITION 80-173[C]) (WAL-MART PLAZA) OF WAL-MART STORES, INC., PETITIONER (PROPERTY OWNER: WAL-MART STORES #1398), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-94-1681. THE 9.75-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HYPOLUXO ROAD AND MILITARY TRAIL AND IS ZONED GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT TO INCREASE SQUARE FOOTAGE IN A PLANNED COMMERCIAL DEVELOPMENT. POSTPONED TO MARCH 27, 2003 -- 1-23-2003

(CLERK'S NOTE: For discussion of item 3.D.16., see page 5.)

**3.D.17. PETITION 84-99**

STATUS REPORT SR 1984-099F.3 FOR RESOLUTION R-95-1467 (PETITION 84-99[F]) (MISSION BAY PLAZA) OF MISSION BAY PLAZA ASSOCIATES, PETITIONER (PROPERTY OWNER: MISSION BAY SHOPPING CENTER), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-95-1467. THE 24.28-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF GLADES ROAD AND STATE ROAD 7 (U.S. 441) AND IS ZONED GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT TO AMEND CONDITION 9 (SQUARE FOOTAGE LIMITATION). APPROVED 1-23-2003

**CONSENT AGENDA - CONTINUED**

**3.D.18.**

**PETITION 85-171**

STATUS REPORT SR 85-171.6 FOR RESOLUTIONS R-2001-0965 AND R-2001-0966 (PETITION 85-171[D]) (DORFMAN PUD) OF PALM BEACH JEWISH COMMUNITY CAMPUS CORPORATION, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-2001-0965 AND R-2001-0966. THE 80.32-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HAVERHILL ROAD AND 12TH STREET (COMMUNITY DRIVE) AND IS ZONED SINGLE-FAMILY RESIDENTIAL WITH A SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT (PUD). APPROVED 1-23-2003

(CLERK'S NOTE: The date of the time extension was changed on the amendments to the agenda sheet from September 26, 2002, to June 10, 2003.)

**3.D.19.**

**PETITION 87-241**

STATUS REPORT SR 1987-0241 FOR RESOLUTIONS R-99-2251 AND R-2001-0812 (PETITION 87-241) (LANTANA ROAD PCD) OF ROBERT J. AMSDELL, TRUSTEE, PETITIONER (PROPERTY OWNER: RJA TRUSTEE AND DEVCO ASSOCIATES, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-99-2251 AND R-2001-0812. THE 18.28-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.25 MILE WEST OF JOG ROAD ON THE SOUTH SIDE OF LANTANA ROAD AND IS ZONED GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT (DOA) TO MODIFY/DELETE CONDITIONS OF APPROVAL AND RECONFIGURE THE SITE PLAN, AND A DOA TO MODIFY CONDITIONS OF APPROVAL, ADD SQUARE FOOTAGE, AND RECONFIGURE THE SITE PLAN OF A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT (PCD). APPROVED 1-23-2003

**3.D.20.**

**PETITION 87-33**

STATUS REPORT SR 1987-033A.8 FOR RESOLUTIONS R-91-246 AND R-91-247 (PETITION 87-33[A]) OF GATOR POND PROPERTIES II, INC., PETITIONER (PROPERTY OWNER: FAMILY INC. OF PALM BEACHES AND LJR ASSOCIATES PROP. LTD.) TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-91-246 AND R-91-247 FOR 0.66 ACRE OF THE 2.30-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WESTGATE AVENUE AND CONGRESS AVENUE, WHICH IS ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A COMMERCIAL NEW AND USED SPECIAL AUTOMOBILE SALES, RENTAL, AND REPAIR FACILITY TO INCREASE THE LAND AREA, INCREASE BUILDING SQUARE FOOTAGE, REDESIGN THE SITE, AND INCLUDE AN AUTO SERVICE STATION, CONVENIENCE STORE, AND CAR WASH FACILITY. POSTPONED TO MARCH 27, 2003 -- 1-23-2003

(CLERK'S NOTE: See page 5 for discussion of item 3.D.20.)

**3.D.21.** See page 4.

**CONSENT AGENDA - CONTINUED**

**3.D.22.**

**PETITION 97-32**

STATUS REPORT SR 1997-032 FOR RESOLUTION R-97-2076 (PETITION 97-32) (EXPERT AUTO TRANSPORT, INC.) OF EXPERT AUTO TRANSPORT, INC., PETITIONER (PROPERTY OWNER: AT&T CORPORATION), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-97-2076. THE 3.03-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.3 MILE SOUTH OF GLADES ROAD ON THE WEST SIDE OF BOCA RIO ROAD AND IS ZONED LIGHT INDUSTRIAL WITH A CONDITIONAL OVERLAY ZONE. APPROVED 1-23-2003

**3.D.23.**

**PETITION 99-49**

STATUS REPORT SR 1999-049 FOR RESOLUTIONS R99-2248 AND R-99-2249 (PETITION 99-49) (CELEBRATION CHURCH) OF CELEBRATION COMMUNITY CHURCH, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, FOR R-99-2248 AND R-99-2249. THE 19.56-ACRE PROPERTY IS LOCATED APPROXIMATELY 500 FEET WEST OF SANSBURY'S WAY ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD AND IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN WITH A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP. APPROVED 1-23-2003

**3.D.24.**

**RESOLUTION R-2003-0111  
(AMENDS R-99-2254)**

RESOLUTION FOR STATUS REPORT SR 1999-055 FOR RESOLUTIONS R-99-2253 AND R-99-2254 (PETITION 99-55) (ATLANTIS AUGO) OF ESFANDIAR BEHBOUDI AND GEORGE KONCIR, PETITIONER-PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (TRAFFIC PERFORMANCE STANDARDS) IN R-99-2254 AND APPROVE A TIME EXTENSION UNTIL JUNE 10, 2003, TO BEGIN DEVELOPMENT. THE 1.63-ACRE PROPERTY IS LOCATED WEST OF CONGRESS AVENUE ON THE NORTH SIDE OF LAKE WORTH ROAD. ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 1-23-2003

**3.D.25.**

**PETITION 98-23**

STATUS REPORT CR 1998-023/T5.2 FOR RESOLUTION R-98-1810 (PETITION 98-23) (PRATT AND ORANGE MUPD) OF SOUTHEAST SHOPPING CENTER, PETITIONER (PROPERTY OWNER: SEMINOLE PRATT INVESTMENTS AND INDIAN TRAIL IMPROVEMENT DISTRICT) TO APPROVE A TIME EXTENSION UNTIL JUNE 1, 2003, TO COMPLY WITH CONDITION T.5. OF R-98-1810. THE 22.0-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF SEMINOLE PRATT WHITNEY ROAD AND ORANGE BOULEVARD AND IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH A GENERAL DAYCARE (200 CHILDREN), FAST FOOD RESTAURANT, FINANCIAL INSTITUTION WITH DRIVE-THRU, AND WATER PLANT. APPROVED 1-23-2003

**CONSENT AGENDA - CONTINUED**

**3.D.26.**

**PETITION 98-41**

STATUS REPORT CR 1998-041/11.2 FOR RESOLUTION R-99-7 (PETITION 98-41) (PRATT/ORANGE PO) OF PALM BEACH COUNTY, PETITIONER (PROPERTY OWNER: INDIAN TRAIL IMPROVEMENT DISTRICT) TO APPROVE A TIME EXTENSION UNTIL JUNE 1, 2003, TO COMPLY WITH CONDITION I.1. OF R-99-7. THE 2.28-ACRE PROPERTY IS LOCATED APPROXIMATELY 500 FEET NORTH OF ORANGE BOULEVARD ON THE EAST SIDE OF SEMINOLE PRATT WHITNEY ROAD AND IS ZONED PUBLIC OWNERSHIP (PO) WITH A CONDITIONAL OVERLAY ZONE. APPROVED 1-23-2003

**3.D.27.**

**PETITION 99-90**

STATUS REPORT CR 1999-090/E2 FOR RESOLUTION R-2000-0572 (PETITION 99-90) (E & H SELF STORAGE) OF EDGAR ADAMSON, JR., AND HIXIE STEPHENS, PETITIONER (PROPERTY OWNER: EDGAR ADAMSON, JR., HIXIE STEPHENS, AND MARQUETE T. GRAY), TO APPROVE A TIME EXTENSION UNTIL DECEMBER 1, 2003, TO COMPLY WITH CONDITION E.2. OF R-2000-0572. THE 1.46-ACRE PROPERTY IS LOCATED SOUTH OF OKEECHOBEE BOULEVARD ON THE EAST SIDE OF CONGRESS AVENUE AND IS ZONED GENERAL COMMERCIAL WITH A CLASS A CONDITIONAL USE TO ALLOW A SELF-SERVICE STORAGE FACILITY. APPROVED 1-23-2003

**3.D.28.** See pages 12-13.

**3.E. RECEIVE AND FILE ZONING COMMISSION RESOLUTION**

**3.E.29.**

**PETITION 97-12**

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR-2003-001 FOR PETITION 97-12(D) (TRUMP INTERNATIONAL GOLF COURSE). APPROVED 1-23-2003

**3.F. CORRECTIVE RESOLUTION**

**3.F.30.**

**RESOLUTION R-2003-0112  
(AMENDS R-2002-2199)**

RESOLUTION TO CORRECT EXHIBIT C (CONDITIONS OF APPROVAL) OF RESOLUTION R-2002-2199 (PETITION CA2002-024) (BOYNTON BEACH COMMUNITY CHURCH). ADOPTED WITH CONDITIONS 1-23-2003

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**4. REGULAR AGENDA**

**4.A. ITEM PULLED FROM CONSENT AGENDA**

**3.D.28. PETITION 2000-090**

RESOLUTION FOR STATUS REPORT CR 2000-090/E1 FOR RESOLUTION R-2001-0819 (PETITION 2000-090) (SKY DIVE AMERICA) OF KAREN PADYJASEK, PETITIONER (PROPERTY OWNER: KAREN PADYJASEK AND DIANNE D. CARTER), TO REVOKE R-2001-0819 FOR THE 5.58-ACRE PROPERTY LOCATED ON THE NORTH SIDE OF PALM BEACH COUNTY GLADES AIRPORT (PAHOKEE), WHICH IS ZONED MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) WITH A CLASS A CONDITIONAL USE TO ALLOW A MOTION PICTURE PRODUCTION STUDIO, AN OUTDOOR ENTERTAINMENT USE, A BOARDING AND ROOMING HOUSE, AND A CAMPGROUND. POSTPONED TO MAY 22, 2003 -- 1-23-2003

Principal Planner Monroe stated that staff recommended revocation of Resolution R-2001-0819 for the petitioner's failure to comply with condition E.1. When a status report is prepared for failure to comply with a condition, she explained, the rules are the same as for those projects that fail to commence development. Ms. Monroe corrected page 281 of the backup to indicate that the development order was approved nearly two years ago, not nearly three years ago.

Larry Kerschenbaum, representing Sky Dive America, discussed recent financial difficulties and loss of his agent Kilday & Associates. He said that some fire and health code violations had been resolved, and requested a 120-day time extension in which to obtain site plan approval. The petitioner did not own the property subject to the conditional use for a campground, he said.

Zoning Director Whiteford stated that the request was reasonable. Planning, Zoning and Building Executive Director Barbara Alterman said she wanted to see the electrical problems corrected long before the expiration of 120 days. Ms. Monroe explained why a 120-day postponement would be preferable to a 120-day time extension.

**MOTION to POSTPONE the item for 120 days (May 22, 2003). Motion by Commissioner Koons.**

Code Enforcement Officer Larry Caraccio stated that the life safety issues stemming from in the electrical violations had been addressed. Commissioner Aaronson said that he would second the motion based on those issues having been dealt with.

**SECOND TO MOTION by Commissioner Aaronson.**

Airports Director Bruce Pelly asked to enter into the record the fact that two buildings had been constructed on airport property without approval. The department had been working with Kilday & Associates on an easement whereby the department would grant the petitioner the right to stay on that property in exchange for air rights over the parcel. Negotiations ceased with the petitioner's loss of Kilday & Associates, he said.

**AMENDED MOTION to include the comment made by Mr. Pelly. The maker and seconder agreed.**

**REGULAR AGENDA (ITEM PULLED FROM CONSENT) - CONTINUED**

**3.D.28. - CONTINUED**

In response to questioning by Commissioner Aaronson, Mr. Pelly said the department had tried to negotiate with the petitioner in the absence of Kilday & Associates and would continue to try to do so.

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Marcus absent.**

**4.B. SMALL SCALE LAND USE AMENDMENT**

**4.B.31.**

**ORDINANCE 2003-002  
(AMENDS ORDINANCE 89-17)**

ORDINANCE AMENDING THE COMPREHENSIVE PLAN, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) BY ADOPTING SMALL SCALE AMENDMENT 2003-0001 SCA (LUCERNE LAKES RESIDENTIAL [APPLICANT: COASTAL ONE MANAGEMENT, INC.; AGENT: MARK RICKARDS]); MODIFYING PAGE 76 OF THE FLUA BY CHANGING 1.56 ACRES OF LAND GENERALLY LOCATED 1.0 MILE SOUTH OF LAKE WORTH ROAD AND 0.5 MILE EAST OF THE FLORIDA TURNPIKE ON THE SOUTH SIDE OF LUCERNE LAKES BOULEVARD AND THE NORTH SIDE OF LAKE WORTH DRAINAGE DISTRICT L-14 CANAL, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8). (STAFF RECOMMENDATION WAS DENIAL OF THE REQUESTED LAND USE CHANGE FROM MR-5 TO HR-8.) (P.O.P. 6898247) ADOPTED 1-23-2003

Principal Planner Susan Miller explained that staff recommended denial because the applicant's request was not consistent with the Transfer of Development Rights (TDR) Program, the applicant's justification for a land use change lacked merit, and the applicant had failed to demonstrate a need for a land use change. The Land Use Advisory Board, however, recommended approval in an 11-1 vote. Ms. Miller said that staff had received one letter in opposition to the application and signatures of neighbors supporting the type of development and the resident age restriction.

Commissioner Koons spoke in support of the proposed amendment.

**MOTION to adopt an ordinance approving the request for a future land use change from MR-5 to HR-8. Motion by Commissioner Koons and seconded by Commissioner McCarty.**

Commissioner Masilotti asked Commissioner Koons if he would like a condition limiting the development to one-story in height. Commissioner Koons replied that he would.

Assistant County Attorney Banks advised that the condition would be more appropriate in a zoning resolution, Zoning Director Whiteford said that staff could carry the condition forward on the Development Review Committee site plan.

Mark Rickards, agent, agreed to the condition.

PUBLIC COMMENT: None

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Marcus absent.**

**REGULAR AGENDA - CONTINUED**

**4.C. TDR CONTRACT, ESCROW AGREEMENT, AND DEED**

(CLERK'S NOTE: Items 4.C.32. and 4.C.33. were considered together.)

**4.C.32.**

**a.**

**DOCUMENT R-2003-0113**

CONTRACT WITH COASTAL ONE MANAGEMENT, INC., FOR THE SALE AND PURCHASE OF TWO TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A PURCHASE PRICE OF \$10,399 PER UNIT FOR A TOTAL PRICE OF \$20,798: BEING THE SOUTH 170 FEET OF THE WEST 100 FEET OF THE EAST 155 FEET OF LOT 126, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3, RECORDED (AKA LOT 450, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE EAST 100 FEET OF THE WEST 175 FEET OF LOT 126, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3 (AKA LOT 451, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE WEST 75 FEET OF LOT 126, BLOCK 29, TOGETHER WITH THE SOUTH 170 FEET OF THE EAST 25 FEET OF LOT 125, BLOCK 29, BOTH OF PALM BEACH FARMS COMPANY, PLAT 3 (AKA LOT 452, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE WEST 100 FEET OF THE EAST 125 FEET OF LOT 125, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3, RECORDED (AKA LOT 453, PLAT 5, FLORIDA GARDENS, UNRECORDED) (PETITION DRC2002-062 [PINES AT LUCERNE POINTE]). APPROVED WITH A REVISED UNIT PRICE OF \$13,308 FOR A TOTAL PRICE OF \$26,616 -- 1-23-2003

**b.**

**DOCUMENT R-2003-0114**

ESCROW AGREEMENT WITH COASTAL ONE MANAGEMENT, INC. (DEVELOPER), AND RICHARD J. MONESCALCHI TRUST ACCOUNT (ESCROW AGENT) FOR THE SALE AND PURCHASE OF TWO TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE COUNTY TDR BANK AT A PURCHASE PRICE OF \$10,399 PER UNIT FOR A TOTAL PRICE OF \$20,798: BEING THE SOUTH 170 FEET OF THE WEST 100 FEET OF THE EAST 155 FEET OF LOT 126, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3, RECORDED (AKA LOT 450, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE EAST 100 FEET OF THE WEST 175 FEET OF LOT 126, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3 (AKA LOT 451, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE WEST 75 FEET OF LOT 126, BLOCK 29, TOGETHER WITH THE SOUTH 170 FEET OF THE EAST 25 FEET OF LOT 125, BLOCK 29, BOTH OF PALM BEACH FARMS COMPANY, PLAT 3 (AKA LOT 452, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE WEST 100 FEET OF THE EAST 125 FEET OF LOT 125, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3, RECORDED (AKA LOT 453, PLAT 5, FLORIDA GARDENS, UNRECORDED) (PETITION DRC2002-062 [PINES AT LUCERNE POINTE]). APPROVED WITH A REVISED UNIT PRICE OF \$13,308 FOR A TOTAL PRICE OF \$26,616 -- 1-23-2003

**REGULAR AGENDA - CONTINUED**

**4.C.33.**

**DOCUMENT R-2003-0115**

DEED CONVEYING TWO TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS TO COASTAL ONE MANAGEMENT, INC., AND DESIGNATING PINES AT LUCERNE POINTE AS A TDR RECEIVING AREA FOR THOSE UNITS: BEING THE SOUTH 170 FEET OF THE WEST 100 FEET OF THE EAST 155 FEET OF LOT 126, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3, RECORDED (AKA LOT 450, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE EAST 100 FEET OF THE WEST 175 FEET OF LOT 126, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3 (AKA LOT 451, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE WEST 75 FEET OF LOT 126, BLOCK 29, TOGETHER WITH THE SOUTH 170 FEET OF THE EAST 25 FEET OF LOT 125, BLOCK 29, BOTH OF PALM BEACH FARMS COMPANY, PLAT 3 (AKA LOT 452, PLAT 5, FLORIDA GARDENS, UNRECORDED); BEING THE SOUTH 170 FEET OF THE WEST 100 FEET OF THE EAST 125 FEET OF LOT 125, BLOCK 29, PALM BEACH FARMS COMPANY, PLAT 3, RECORDED (AKA LOT 453, PLAT 5, FLORIDA GARDENS, UNRECORDED) (PETITION DRC2002-062 [PINES AT LUCERNE POINTE]). APPROVED 1-23-2003

PUBLIC COMMENT: None

**MOTION to approve a contract for the sale and purchase of two development rights at a purchase price of \$10,399 per unit for a total price of \$20,798. Motion by Commissioner Koons and seconded by Commissioner McCarty.**

Commissioner Masilotti established that the TDR unit price would be the \$13,308 approved by the board earlier in the month.

Planning, Zoning and Building Executive Director Alterman said the contract and escrow agreement would be reexecuted to reflect the revised price.

Mark Rickards, agent, indicated the petitioner's agreement.

**AMENDED MOTION to revise the contract to reflect a purchase price of \$13,308 per unit for a total price of \$26,216. The maker and seconder agreed.**

Assistant County Attorney Banks advised that the motion should include the revised escrow agreement.

**AMENDED MOTION to also approve an escrow agreement for two development rights at a purchase price of \$13,308 per unit for a total price of \$26,616. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Marcus absent.**

Commissioner McCarty objected that current rules allowed applicants to obtain increased density at no cost and proposed amending the Unified Land Development Code to allow for a waiver when the board deemed it appropriate.

**MOTION to execute a deed conveying two development rights to Coastal One Management and to designate Pines at Lucerne Pointe as the TDR receiving area for those units. Motion by Commissioner Koons, seconded by Commissioner Greene, and carried 6-0. Commissioner Marcus absent.**

## REGULAR AGENDA - CONTINUED

### 4.D. SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

#### 4.D.34.

#### ORDINANCE 2003-003 (AMENDS ORDINANCE 89-17)

ORDINANCE AMENDING THE COMPREHENSIVE PLAN, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) BY ADOPTING SMALL SCALE AMENDMENT 2002-0011 SCA (SOUTHERN/JOG [AKA HOLLOWAY PROPERTY] [APPLICANT: HOWARD R. HOLLOWAY, AMY M. HOLLOWAY, AND PALM BEACH COUNTY PROPERTY AND REAL ESTATE MANAGEMENT DIVISION; AGENT: RICHARD E. BASEHART]); MODIFYING PAGE 74 OF THE FLUA BY CHANGING APPROXIMATELY 4.95 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF JOG ROAD AND JOSEPH ROAD, NORTH OF SOUTHERN BOULEVARD, FROM COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING 8 UNITS PER ACRE (CL-O/8) ON 1.71 ACRES, AND HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) ON 3.24 ACRES, TO COMMERCIAL HIGH (CH) ON THE ENTIRE PROPERTY, SUBJECT TO A CONDITION. (STAFF RECOMMENDATION WAS ADOPTION OF AN ORDINANCE APPROVING AN ALTERNATIVE COMMERCIAL LOW [CL] DESIGNATION WITH A CONDITION.) (P.O.P. 6898247) ADOPTED ORDINANCE APPROVING CH WITH CONDITION -- 1-23-2003

Staff presentation was given by Planner Raphael Clemente who said that the proposed CH land use designation on the subject site could create compatibility concerns with surrounding residential uses. Accordingly, staff proposed a less intense, commercial low (CL) designation with a condition of approval to lessen impacts on the adjacent residential area by limiting the easternmost 75 feet of the site to landscaping and drainage. In a 7-3 vote, the Land Use Advisory Board (LUAB) recommended approval of the applicant's request with the staff-proposed cross-hatching condition. Mr. Clemente said that no letters had been received in support or opposition to the proposed amendment.

Robert E. Basehart, agent, argued on behalf of the CH land use designation, adding that both the neighborhood residents and the LUAB supported the designation. He agreed to the proposed cross-hatching condition. Concerning the next item (4.D.35.), Mr. Basehart noted that at the recent Zoning Commission hearing, zoning staff recommended community commercial (CC) zoning instead of general commercial (CG) in order to be consistent with the recommendation of planning staff. The Zoning Commission voted unanimously to grant the CG zoning, however.

Commissioner Masilotti's concerns about lighting were satisfied by the agent. The commissioner remarked that the project was a small scale plan model in the use of buffer areas to protect residents and that he had received only comments of support from area residents. Commissioner Masilotti ascertained that should the property become contiguous with the Town of Haverhill, the applicant was willing to annex into the municipality.

**MOTION to adopt an ordinance approving a future land use change from CL-O/8 and HR-8 entirely to CH with a condition. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 6-0. Commissioner Marcus absent.**

**REGULAR AGENDA - CONTINUED**

**4.D.35.**

**a. RESOLUTION R-2003-0116**

RESOLUTION FOR PETITION Z2002-032 (HOLLOWAY PROPERTY) OF HOWARD HOLLOWAY AND AMY HOLLOWAY, BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) AND COMMERCIAL LOW-OFFICE (CL-O) ENTIRELY TO GENERAL COMMERCIAL (CG) FOR THE 4.95-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND WALLIS ROAD. (P.O.P. 6829626 AND 6829649) ADOPTED 1-23-2003

**b. RESOLUTION R-2003-0117**

RESOLUTION FOR PETITION CA2002-032 (HOLLOWAY PROPERTY) OF HOWARD HOLLOWAY AND AMY HOLLOWAY, BY ROBERT E. BASEHART, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH GASOLINE SALES AND A FAST FOOD RESTAURANT ON THE 4.95-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND WALLIS ROAD. (P.O.P. 6829626 AND 6829649) ADOPTED WITH CONDITIONS AS AMENDED 1-23-2003

(CLERK'S NOTE: Robert E. Basehart, agent, spoke on this item during discussion of item 4.D.34., page 16.)

PUBLIC COMMENT: None

**MOTION to adopt a resolution approving a rezoning from AR and CL-O entirely to CC. Motion by Commissioner Koons and seconded by Commissioner Aaronson.**

Zoning Director Whiteford said the CC zoning should be modified (see item 4.D.34. [future land use change to CH]).

**AMENDED MOTION to adopt a resolution approving a rezoning from AR and CL-O entirely to CH. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Marcus absent.**

(CLERK'S NOTE: Senior Planner Cross explained to minutes after the meeting that the rezoning approved by the board was actually to CG [general commercial] since CH [commercial high] is not a zoning district.)

Senior Planner Cross observed that condition K.2. required compliance with the property development regulations of the CC zoning district. Mr. Whiteford recommended deleting the condition.

**MOTION to adopt a resolution approving a conditional use to allow a convenience store with gasoline sales and a fast food restaurant, subject to conditions as amended. Motion by Commissioner Koons, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.**

**4.E.36.** See pages 18-20.

(CLERK'S NOTE: The motion to reorder the agenda to consider the following item was made after discussion had begun.)

## REGULAR AGENDA - CONTINUED

4.E.37.

PETITION 2002-020

RESOLUTION FOR 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 (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 47.96-ACRE PROPERTY LOCATED APPROXIMATELY 0.25 MILE SOUTH OF LAKE WORTH ROAD ON THE EAST SIDE OF LYONS ROAD. (P.O.P. 6657076 AND 6694769 [12-9-2002]) POSTPONED TO FEBRUARY 27, 2003 -- 1-23-2003

Zoning Director Whiteford said it had been brought to his attention that the agent for item 4.E.37 would request a postponement and asked that the item be heard now to enable audience members to leave.

Joe Lelonek, agent, requested a 30-day postponement in order to reach an agreement with adjacent property owners. Commissioner Masilotti clarified that the petitioner had purchased a piece of property in a large section of open space owned by several persons and used by them as polo fields. The petitioner wished to build houses on the purchased property. The adjacent property owners were seeking to do one master plan in order to integrate their polo fields with the residential units.

## REORDER AGENDA

**MOTION to reorder the agenda to consider item 4.E.37. Motion by Commissioner Newell, seconded by Commissioner Koons, and carried 6-0. Commissioner Marcus absent.**

**MOTION to POSTPONE item 4.E.37. for 30 days (February 27, 2003). Motion by Commissioner Newell and seconded by Commissioner Koons.**

## PUBLIC COMMENT:

The following persons submitted comment cards but did not address the gathering: Randy Aversano, Jeff Bernard, James R. Brindell, Butch Butterworth, Mark Egloff, Bonnie Lynne Groves, John Jorgensen, Robert S. Lipman, Rita Musto, Dave Roberts, Harriet Roberts, Jay Romph, John Schlichting, Nancy Schlichting, Russell Scott, Dan Shirey, and Juli Shirey.

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Marcus absent.**

## 4.E. PREVIOUSLY POSTPONED ZONING PETITIONS

4.E.36.

RESOLUTION R-2003-0118

RESOLUTION FOR PETITION PDD2001-066(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 (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 39.3-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PALOMINO DRIVE AND STATE ROAD 7 (U.S. 441). (P.O.P. 6595146 AND 6656316 [10-24-2002]) ADOPTED WITH CONDITIONS AS AMENDED 1-23-2003

## REGULAR AGENDA - CONTINUED

### 4.E.36. - CONTINUED

Senior Planner Cross gave the staff presentation. Residents of Palm Beach Ranchettes, one-story residences to the east of the subject site, objected to two-story homes along the east property line, he said. The Zoning Commission amended the conditions of approval to allow two-story homes because the petitioner was providing a 40-foot-wide landscape buffer.

In his presentation, Press Tompkins, Jr., agent, said the petitioner had complied with all the residents' requests with the single exception of the two-story homes.

#### PUBLIC COMMENT:

Janet Connor said the six homeowners on the east property line, of whom she was one, had asked for a one-story restriction from the very first because 14 homes of the 78-home proposed project were planned for the eastern boundary. The homeowners' chief consideration was to maintain their privacy.

Brian Tuttle, petitioner, responded that the eastern lots were 140 feet deep and separated from the neighbors by a 40-foot buffer, 5-foot berm, and oversized trees. He argued for the project's entrance being on Palomino Drive instead State Road 7, contending the latter location would lead to traffic accidents.

Commissioner Greene requested an explanation of staff's preference for the project's entrance being on State Road 7. Land Development Director Rogers and Zoning Director Whiteford responded at some length.

Commissioner Masilotti said the primary concern was traffic safety. He objected to families, mothers with vans full of children, and other drivers having to cross the soon-to-be four lanes of State Road 7 in order to make a U-turn to reach the recreational facilities in Pearson Park.

Commissioner Newell expressed concern about school buses entering and leaving a State Road 7 entrance. Mr. Rogers acknowledged that school buses would have to wait for a break in traffic to exit onto the highway.

Commissioner Masilotti said the homes on the eastern boundary should be limited to one story to protect the privacy of the current residents.

Mr. Tuttle said he would agree to limit the homes to one story and to move the entrance back to Palomino Drive if the eastern landscape buffer could be reduced from 40 feet to 25 feet in order to make room for the single-story units. Commissioner Koons said that that made sense.

Discussion ensued on reducing the height of the eastern berm. Mr. Tuttle offered to install the maximum berm allowed by code in a 25-foot easement.

Zoning Director Whiteford said the eastern landscaping would remain unchanged. Mr. Tuttle agreed.

**MOTION to adopt a resolution approving a rezoning from AR to residential PUD with conditions as amended (reduce the eastern buffer to 25 feet, install the maximum berm allowed, relocate the entrance to Palomino Drive, and reduce the height of the homes on the east property line to one story). Motion by Commissioner Koons and seconded by Commissioner McCarty.**

**REGULAR AGENDA - CONTINUED**

**4.E.36. - CONTINUED**

Mr. Tompkins said the petitioner was required to include a walkway around the lake as reflected in conditions J.1. and J.2. He asked that those conditions be deleted, citing the community's internal walkway system, invasion of privacy of lakeside homes, and liability of children and adults, and said the easement would be retained. Commissioner Koons said he tended to agree with the request.

Mr. Rogers said that moving the entrance back to Palomino Drive would require restoring conditions E.1., E.3., E.5., and E.6. by eliminating all strikeouts.

Mr. Whiteford said condition K.12. (40-foot berm) would be deleted, appropriate conditions modified to show a 25-foot berm, and condition M.1. (project identification signage) amended to reflect a smaller sign for Palomino Drive.

**AMENDED MOTION to include the condition modifications discussed by Messrs. Rogers and Whiteford. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Marcus absent.**

**4.E.37.** See page 18.

**5. DIRECTOR COMMENTS**

**5.A. ZONING DIRECTOR - None**

**5.B. PLANNING DIRECTOR**

**5.B.38.** See page 4.

**UNSCHEDULED ITEM**

**5.C. PLANNING, ZONING, AND BUILDING EXECUTIVE DIRECTOR**

**5.C.39.**

**DIRECTION TO ACCEPT PROPOSED TRADITIONAL MARKETPLACE DEVELOPMENT (TMD) AMENDMENTS TO THE COMPREHENSIVE PLAN IN OCTOBER 2003, NOT IN MARCH 2003. APPROVED 1-23-2003**

Planning, Zoning and Building Executive Director Alterman said that staff was in the process of rewriting the Unified Land Development Code for consistency with the Comprehensive Plan and that at the February 18 workshop, they would ask the board to address significant policy issues regarding TMDs in the Agricultural Reserve.

As a prelude to that workshop, staff had met with landowners on Boynton Beach Boulevard and Lyons Road and on Atlantic Avenue and Lyons Road. The developers were required to submit their Comprehensive Plan amendments for TMDs on March 7. Given that many policy decisions would not be decided by the board until at least February 18, staff had asked the developers to agree to postpone submitting their amendments until October for inclusion in the next amendment round. Agreements had been obtained on all four corners of Boynton Beach Boulevard and Lyons Road. The owners of the small parcels at Atlantic Avenue and Lyons Road were scattered, however, and not all had been contacted.

## **DIRECTOR COMMENTS - CONTINUED**

### **5.C.39. - CONTINUED**

Ms. Alterman requested that the board direct staff not to accept any proposed amendments in March but to postpone them to October.

Commissioner Aaronson said he had no objection to the request.

Commissioner Masilotti commented that a postponement would put all parties on a level playing field.

No backup provided.

## **6. COMMISSIONER COMMENTS**

### **6.A. COMMISSIONER MCCARTY**

#### **6.A.40.**

SPITE SIGNS AND LANDSCAPING AT BOCA WEST AND FOX LANDING.  
DISCUSSED 1-23-2003

Commissioner McCarty described "spite" signs and "spite" landscaping installed at Boca West to annoy their neighbors and said that Commissioner Aaronson might resolve the issue through negotiation.

Commissioner Aaronson said he had already met with Boca West residents and was meeting with Fox Landing residents. One offending sign had been removed, he said, and the landscaping was allowed by code.

No backup provided.

### **6.B. COMMISSIONER NEWELL**

#### **6.B.41.**

UPDATE ON THE PROGRESS OF CODE ENFORCEMENT PROGRAMS.  
DISCUSSED WITH DIRECTION 1-23-2003

Commissioner Newell asked Planning, Zoning and Building Executive Director Alterman for a white paper on the progress of code enforcement programs in response to a Florida Atlantic University report on system revision. He requested that the update include the effectiveness of traditional staff in certain target areas currently being worked on and that the update be presented in the next few months at either a zoning or a regular meeting.

No backup provided.

**COMMISSIONER COMMENTS - CONTINUED**

**6.C. COMMISSIONER MASILOTTI**

**6.C.42.**

IMPROVEMENT OF PUBLIC COMMENT CARDS. DISCUSSED WITH DIRECTION 1-23-2003

Commissioner Masilotti expressed concern about audience members who lose the chance to speak by not submitting comment cards in a timely manner and requested Assistant County Attorney Banks to look into how to legally improve the cards in order to better serve the public. One suggestion the commissioner offered was to enlarge the notice about accepting no cards on an item after discussion had begun. He said it was difficult to manage a meeting with many residents at hand and to make sure that each had his or her fair opportunity to speak.

No backup provided.

**7. ADJOURNMENT**

**The chair declared the meeting adjourned at 11:27 a.m.**

ATTESTED:

APPROVED:

Clerk

Chair