

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 31, 2002, at 9:37 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

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

- 1.B.1. INVOCATION** - Commissioner Roberts

1.B.2. PLEDGE OF ALLEGIANCE

(CLERK'S NOTE: Commissioner McCarty left the meeting.)

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

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.F. ADOPTION OF AGENDA

MOTION to adopt the agenda. Motion by Commissioner Aaronson, seconded by Commissioner Roberts, and carried 4-0. Commissioners McCarty, Marcus, and Masilotti absent.

1.F.1. AMENDMENTS TO AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
5	3.C.8.	Petition Z/DOA/CA2000-089(A) (Wellington Medical Office Campus): Amend conditions of approval.
6	3.C.11.	Petition Z/CA2001-042 (Siloe Baptist Church): Amend conditions of approval.
9	4.C.22.	Application 2002-SCA 71 COM 2 (Military Trail/Purdy Lane): Postpone.
10	4.C.23.	Petition Z/COZ2001-051 (Military Purdy Rezoning): Postpone.
12	4.E.27.	Petition Z/DOA81-96(B) (Lantana Transfer Station): Add a motion.
12	4.E.28.	Petition PDD2001-009 (Pratt Whitney Business Park): Amend conditions of approval.

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

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. APPLICATION 2001-SCA 26 COM 1

APPLICATION 2001-SCA 26 COM 1 (PGA/ELLISON WILSON, AKA HATTIES LANDING) OF CHRISTOPHER S. DOYLE, BY JOSEPH J. VERDONE, AGENT, FOR A SMALL SCALE LAND USE AMENDMENT (SCA) TO AMEND LAND USE FOR THE 2.22-ACRE PROPERTY LOCATED 186 FEET SOUTH OF PGA BOULEVARD ON THE WEST SIDE OF ELLISON WILSON ROAD FROM HIGH RESIDENTIAL, 12 UNITS PER ACRE (HR-12) TO COMMERCIAL HIGH, WITH AN UNDERLYING 12 UNITS PER ACRE (CH/12). (P.O.P. 337687 [1-3-2002]) CONTINUED TO FEBRUARY 28, 2002 -- 1-31-2002

No backup provided.

2.A.2. PETITION 84-159

PETITION PDD/DOA84-159(B) (HATTIES LANDING) OF CHRISTOPHER S. DOYLE, BY JOSEPH J. VERDONE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT (PDD) FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) AND FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO ADD LAND AREA AND SQUARE FOOTAGE FOR THE 3.97-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ELLISON WILSON ROAD AND PGA BOULEVARD. (P.O.P. 5828660 AND 5898506 [1-3-2002]) POSTPONED TO FEBRUARY 28, 2002 -- 1-31-2002

No backup provided.

2.A.3. PETITION 90-30

POSTPONEMENTS - CONTINUED

4.C.22.

APPLICATION 2002-SCA 71 COM 2

APPLICATION 2002-SCA 71 COM 2 (MILITARY TRIAL/PURDY LANE) OF GEORGE F. CASSELL, CHERYL CASSELL, NEIL STRINGER, ANDREA STRINGER, AND SOUTHERN DEVELOPMENT SERVICES, BY KIERAN J. KILDAY, AGENT, FOR A SMALL SCALE LAND USE AMENDMENT (SCA) ON THE 0.78-ACRE PROPERTY LOCATED 240 FEET WEST OF MILITARY TRAIL ON THE NORTHWEST CORNER OF MILITARY TRAIL AND PURDY LANE FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH (CH) WITH CROSS-HATCHING. (P.O.P. 5897906 [1-3-2002]) POSTPONED TO FEBRUARY 28, 2002 -- 1-31-2002

4.C.23.

PETITION 2001-051

PETITION Z/COZ2001-051 (MILITARY PURDY REZONING) OF SOUTHERN DEVELOPMENT SERVICES, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) TO GENERAL COMMERCIAL (CG) WITH A CONDITIONAL OVERLAY ZONE (COZ) FOR THE 2.97-ACRE PROPERTY LOCATED 100 FEET NORTH OF PURDY LANE ON THE WEST SIDE OF MILITARY TRAIL. (P.O.P. 5828660 AND 5898506 [1-3-2002]) POSTPONED TO FEBRUARY 28, 2002 -- 1-31-2002

Zoning Director William C. Whiteford requested a postponement of items 4.C.22. and 4.C.23. to February 28, 2002, as noted on the Amendments to the Agenda sheet.

PUBLIC COMMENT: None

MOTION to POSTPONE items 2.A.1., 2.A.2., 2.A.3., and 2.A.4. to the dates indicated and items 4.C.22. and 4.C.23. to February 28, 2002. Motion by Commissioner Aaronson, seconded by Commissioner Roberts, and carried 4-0. Commissioners McCarty, Marcus, and Masilotti absent.

CONSENT AGENDA - CONTINUED

3.B. PREVIOUSLY POSTPONED ZONING PETITIONS

3.B.6. See pages 9-10 and 14-15.

3.C. ZONING PETITIONS

3.C.7. PETITION 2000-031

APPROVE ON FIRST HEARING AND CONVENE FOR SECOND PUBLIC HEARING ON FEBRUARY 28, 2002, AT 9:30 A.M., A RESOLUTION FOR PETITION Z/COZ2000-031(A) (FOUR POINTS CENTER GOVERNMENTAL COMPLEX) OF THE PALM BEACH COUNTY FACILITIES DEVELOPMENT AND OPERATIONS DEPARTMENT, BY MELANIE BORKOWSKI, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM GENERAL COMMERCIAL (CG) TO PUBLIC OWNERSHIP (PO) WITH A CONDITIONAL OVERLAY ZONE (COZ) FOR THE 15.97-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MILITARY TRAIL AND GUN CLUB ROAD. (P.O.P. 360869 AND 5898710) APPROVED 1-31-2002

3.C.8.

a. RESOLUTION R-2002-0130

RESOLUTION FOR PETITION Z2000-089(A) (WELLINGTON MEDICAL OFFICE CAMPUS) OF WELLINGTON REGIONAL MEDICAL CENTER, BY ANNA COTTRELL, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM AGRICULTURAL RESIDENTIAL (AR) TO INSTITUTIONAL AND PUBLIC FACILITY (IPF) WITH A CONDITIONAL OVERLAY ZONE (COZ) FOR THE 4.34-ACRE PROPERTY (EXISTING) (PROPOSED 31.56 ACRES [+27.22 ACRES]) LOCATED 1,600 FEET NORTH OF FOREST HILL BOULEVARD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 5898710 AND 5946522) ADOPTED WITH CONDITIONS 1-31-2002

CONSENT AGENDA CONTINUED

3.C.8. - CONTINUED

c.

RESOLUTION R-2002-0132

RESOLUTION FOR PETITION CA2000-089(A) (WELLINGTON MEDICAL OFFICE CAMPUS) OF WELLINGTON REGIONAL MEDICAL CENTER, BY ANNA COTTRELL, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW A TYPE 3 CONGREGATE LIVING FACILITY (CLF) ON THE 4.34-ACRE PROPERTY (EXISTING) (PROPOSED 31.56 ACRES [+27.22 ACRES]) LOCATED 1,600 FEET NORTH OF FOREST HILL BOULEVARD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 5898710 AND 5946522) ADOPTED, SUBJECT TO CONDITIONS CONTAINED IN RESOLUTION R-2002-0131 -- 1-31-2002

3.C.9. See pages 10-11.

3.C.10.

RESOLUTION R-2002-0133

RESOLUTION FOR PETITION PDD2001-014 (GOLF CLUB ESTATES PUD) OF LANA T, LLC, BY KILDAY & ASSOCIATES, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 31.03-ACRE PROPERTY LOCATED 900 FEET SOUTH OF LANTANA ROAD ON THE EAST SIDE OF LYONS ROAD. (P.O.P. 5898710 AND 5946522) ADOPTED WITH CONDITIONS 1-31-2002

3.C.11.

a.

RESOLUTION R-2002-0134

RESOLUTION FOR PETITION Z2001-042 (SILOE BAPTIST CHURCH) OF PALM BEACH LAKES BAPTIST ASSOCIATION, BY SARA LOCKHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM MIDDLE FAMILY RESIDENTIAL

CONSENT AGENDA - CONTINUED

3.D. STATUS REPORTS

3.D.12.

PETITION 78-231

STATUS REPORT SR 1978-231A FOR RESOLUTION R-98-2034 (PETITION 78-231[A]) (QUICK LUBE/WASHDEPOT VII) OF WASHDEPOT VII, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL DECEMBER 3, 2003, FOR R-98-2034. THE 1.26-ACRE PROPERTY IS LOCATED 1,550 FEET NORTH OF FOREST HILL BOULEVARD ON THE EAST SIDE OF MILITARY TRAIL AND IS ZONED GENERAL COMMERCIAL (CG) WITH A SPECIAL EXCEPTION FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW GENERAL REPAIR AND MAINTENANCE. APPROVED 1-31-2002

3.D.13.

PETITION 86-54

STATUS REPORT SR 1986-54B FOR RESOLUTION R-97-1581 (PETITION 86-54[B]) (SENECA BUSINESS PARK) OF SENECA GROUP, PETITIONER (SECURITY FIRST STORAGE ENT., INC., PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL OCTOBER 23, 2003, FOR R-97-1581. THE 3.59-ACRE PROPERTY IS LOCATED 0.1 MILE SOUTH OF LAKE WORTH ROAD ON THE EAST SIDE OF MILITARY TRAIL AND IS ZONED GENERAL COMMERCIAL (CG) WITH A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT (PCD). APPROVED 1-31-2002

3.D.14.

**RESOLUTION R-2002-0136
(AMENDS R-91-247)**

RESOLUTION FOR STATUS REPORT SR 87-33A.7 FOR RESOLUTIONS R-91-246 AND R-91-247 (PETITION 87-33[A]) OF GATOR POND PROPERTIES II, INC., PETITIONER (FAMILY INC. OF PALM BEACHES AND LJR ASSOC. PROP. LTD., PROPERTY OWNER) TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL) IN R-91-247 AND APPROVE A TIME EXTENSION UNTIL

CONSENT AGENDA - CONTINUED

3.D.17.

PETITION 97-32

STATUS REPORT SR 1997-032 FOR RESOLUTION R-97-2076 (PETITION 97-32) (EXPERT AUTO TRANSPORT) OF EXPERT AUTO TRANSPORT, INC., PETITIONER (AT&T CORPORATION, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL DECEMBER 4, 2002, FOR R-97-2076. THE 3.03-ACRE PROPERTY IS LOCATED 0.3 MILE SOUTH OF GLADES ROAD ON THE WEST SIDE OF BOCA RIO ROAD AND IS ZONED LIGHT INDUSTRIAL (IL) WITH A CONDITIONAL OVERLAY ZONE (COZ). APPROVED 1-31-2002

3.E. ABANDONMENT RESOLUTIONS

3.E.18.

RESOLUTION R-2002-0138 (REVOKES R-79-719)

RESOLUTION FOR PETITION 79-54 (WAYNE H. SAXON, PETITIONER) TO ABANDON THE SPECIAL EXCEPTION GRANTED BY THE SPECIAL EXCEPTION GRANTED BY RESOLUTION R-79-719 TO ALLOW A DAY CARE CENTER. THE 0.5-ACRE PROPERTY IS LOCATED 525 FEET SOUTH OF WESTGATE AVENUE ON THE EAST SIDE OF QUAIL DRIVE AND IS ZONED MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM). ADOPTED 1-31-2002

3.E.19.

RESOLUTION R-2002-0139 (REVOKES R-2000-0574)

RESOLUTION FOR PETITION 99-75 (GOLDEN LAKES CLF PUD [CONGREGATE LIVING FACILITY PLANNED UNIT DEVELOPMENT] (BLUE GREEN ENTERPRISES, PETITIONER) TO ABANDON THE TYPE 3 CLF GRANTED BY RESOLUTION R-2000-0574. THE 7.09-ACRE PROPERTY IS LOCATED 0.3 MILE EAST OF GOLDEN LAKES BOULEVARD AND 0.1 MILE SOUTH OF OKEECHOBEE BOULEVARD. ADOPTED 1-31-2002

4. REGULAR AGENDA

4.A. ITEMS PULLED FROM CONSENT AGENDA

3.B.6.

RESOLUTION FOR PETITION PDD2001-024 (DAHLGREN PUD) OF CONTINENTAL HOMES OF FLORIDA, INC., BY JULIAN BRYAN, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT (PDD) FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 27.04-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HYPOLUXO ROAD AND LAWRENCE ROAD. (P.O.P. 5748955 AND 5822213 [11-29-2001])

PUBLIC COMMENT:

Lewis J. Doctor, president, Coalition of Boynton West Residential Associations (COBWRA), detailed the following concerns:

- ? The backup indicated no school impact from the development, which is neighbored by a high school across the street and an elementary school down the street. He questioned how there could be no additional impact.
- ? A major power line bisects the development. Power lines in residential communities are always a problem because of concern about the effects of the lines and whether the code provides for adequate buffering in the middle of a community.
- ? The community is built around two outparcels on Lawrence Road, one of which is a county drainage pond, the other a standalone piece of private property. The latter always causes problems when it can not be incorporated into the development and the property owner has a parcel to sell and the outparcel becomes subjected to localized commercial development on a major road right in the middle of a development.

REGULAR AGENDA - CONTINUED

3.B.6. - CONTINUED

Assistant County Attorney Banks pointed out that the pond was not part of the legal description.

Commissioner Newell suggested postponing the item until later in the meeting to allow staff to work out the issue.

MOTION WITHDRAWN.

MOTION to POSTPONE the item until 11:00 a.m. or to the end of the agenda, whichever comes later. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Masilotti absent.

(CLERK'S NOTE: For direction on outparcels and retention ponds, see the staff direction at the end of item 3.C.9., page 11.)

(CLERK'S NOTE: See pages 14-15 for continued discussion.)

3.C.9.

a.

PETITION 2001-029

PETITION PDD2001-029 (COLONY CLUB APARTMENTS PUD) OF HOLIDAY MANAGEMENT ASSOCIATES, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (PDD) FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 23.81-ACRE PROPERTY LOCATED 500 FEET SOUTH OF HYPOLUXO ROAD ON THE EAST SIDE OF MILITARY TRAIL. (P.O.P. 5898710 AND 5946522) POSTPONED TO FEBRUARY 28, 2002, WITH DIRECTION -- 1-31-2002

b.

PETITION 2001-029

the 95 TDRs.

REGULAR AGENDA - CONTINUED

3.C.9. - CONTINUED

? It is strange that with 213 apartment units, there are no additional educational impacts.

?

Mr. Doctor's concerns were addressed by the board, staff, and Jennifer Morton, agent. Ms. Morton said that the petitioner was attempting to acquire the discussed outparcel and one other outparcel. Commissioner McCarty commented that the petition before the board might be premature.

Commissioner Marcus suggested postponing the item to allow for COBWRA's review of the request and for the petitioner's review of the outparcels. She also recommended that staff not accept petitions with such outparcel possibilities until the outparcel issue was resolved. Commissioner McCarty cautioned against creating a situation in which development could not proceed until the outparcel owners succeeded in obtaining whatever price they wanted.

Commissioner Roberts expressed concern about the lack of school impacts in this and the preceding item. Planning, Zoning and Building Executive Director Barbara Alterman reported that she had spoken with a School Board representative during the preceding discussion and clarified that there were impacts on both items but that the district had sufficient capacity to accommodate the students. She added that this clarification would be used in similar circumstances in the future.

Commissioner Newell recalled that the School Board had not revised their multipliers, despite the Board of County Commissioners (BCC) having taken them to task two years previously on their multi-family projects being excessively low. He asked Planning Director Frank M. Duke to draft a letter to the School Board for his signature indicating that the BCC was still looking forward to receiving a report on more appropriate multipliers.

(CLERK'S NOTE: Disclosure was given later in the meeting; see page 12.)

REGULAR AGENDA - CONTINUED

3.D.16.

PETITION 96-79

STATUS REPORT SR 96-79.2 FOR RESOLUTION R-96-1950 (PETITION 96-79) (HERRING/LOGAN REZONING) OF TIDAL WAVE INVESTMENT CORPORATION/MURRAY LOGAN AND CLARENCE VOGEL, PETITIONER (BRAMS ADVENTURES, INC., PROPERTY OWNER) TO AMEND VOLUNTARY COMMITMENTS (ARCHITECTURAL) IN R-96-1950 AND APPROVE A TIME EXTENSION UNTIL DECEMBER 2, 2002, TO COMMENCE DEVELOPMENT. THE 2.84-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TALL PINES ROAD AND WALLIS ROAD. REVOKED SITE PLAN AND APPROVED TIME EXTENSION WITH DIRECTION 1-31-2002

Principal Planner Linda Monroe discussed the reasons for staff's revised recommendation of revocation of the site plan and approval of a time extension to December 2, 2002, to begin development.

Commissioner Roberts objected to using the word "voluntary" in "voluntary commitment" unless the commitment were truly voluntary. Commissioner Aaronson agreed and directed staff to use a different word or no word at all.

MOTION to revoke the site plan and approve a time extension to December 2, 2002, to begin development. Motion by Commissioner Marcus and seconded by Commissioner Aaronson.

Based on board discussion, Ms. Monroe suggested revising her comments to delete the term "voluntary commitment" and to state that the petitioner did not meet current architectural guidelines because their certified site plan was approved prior to adoption of the guidelines and that, therefore, staff was recommending revocation of existing site plan and approval of a time extension as previously noted.

AMENDED MOTION to include the suggestion. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Masilotti absent.

REGULAR AGENDA - CONTINUED

4.B. RECONSIDERATION

(CLERK'S NOTE: The following resolution was numbered out of order.)

4.B.21.

RESOLUTION R-2002-0142

RESOLUTION FOR RECONSIDERATION OF THE BOARD OF COUNTY COMMISSIONERS' DENIAL OF A CLASS A CONDITIONAL USE (CA) FOR PETITION CA2001-025 (CHURCH OF GOD OF PROPHECY) OF AZINTA THOMPSON, BY KEVIN MCGINLEY, AGENT, WHICH WAS TO ALLOW A CHURCH OR PLACE OF WORSHIP 100 FEET EAST OF HAVERHILL ROAD ON THE NORTH SIDE OF VILMA LANE. (P.O.P. 5963891) ADOPTED RESOLUTION OVERTURNING PREVIOUS BCC DECISION AND APPROVING CA WITH CONDITIONS AS AMENDED 1-31-2002

Commissioner Roberts said she had received two petitions in opposition and offered them into the record.

MOTION to receive and file the petitions. Motion by Commissioner Roberts, seconded by Commissioner Greene, and carried 5-0. Commissioners Marcus and Masilotti absent.

Planner William Cross made the following remarks:

- ? At the November 29, 2001, zoning meeting, the board denied the petition. At the January 3, 2002, zoning meeting, the board voted to reconsider the petition at the January 31st zoning meeting.
- ? After the January 3rd meeting, the petition was readvertised. In response, staff received several letters in opposition, a 23-signature petition in support, and a 30-signature petition in opposition. (The latter petition was received and filed above)

should be deleted. Zoning Director Whiteford and Mr. McGinley agreed.

REGULAR AGENDA - CONTINUED

4.B.21. - CONTINUED

PUBLIC COMMENT:

John Powell contended the property was too small for what the church intended. He offered for the record five photographs that indicated, he said, that the church would not be a good neighbor. He also submitted a petition signed by several persons opposing the church.

(CLERK'S NOTE: There was no motion to receive and file the photographs and petition.)

Commissioner Newell noted that Deziel Nadeau and Rita Nadeau expressed opposition to the petition on the comment cards but did not wish to speak.

Commissioner Roberts remarked that the church would clean up the property once the petition was approved.

Commissioner Marcus said that the Code Enforcement Division should check into the lean-to structure at the rear of the convenience store.

MOTION to adopt a resolution overturning the November 29th BCC decision and approving staff's recommendation for approval of a CA for a church or place of worship, with conditions as amended, that is, approving phase I only, subject to the limitation of 2,516 square feet and 25 seats. Motion by Commissioner Roberts and seconded by Commissioner Greene.

Mr. Whiteford clarified that the 2,516 square feet would be rounded out to 2,550 or 2,600, provided the petitioner had sufficient concurrency.

The board made their disclosures at this time.

Commissioner Newell asked for staff to be provided with the agent's written review

AMENDED 1-31-2002

REGULAR AGENDA - CONTINUED

3.B.6. - CONTINUED

Zoning Director Whiteford read the following new condition E.7, to which, he said, the agent had agreed:

Property owner agrees to accept maintenance of the county-owned retention pond on Lawrence Road. The required landscape buffer west of the pond can be incorporated onto the pond site, with the approval of the county. The landscape buffer and supplemental landscaping north of the pond may also be incorporated on the pond site, with the approval of the county. Palm Beach County agrees to contribute up to \$10,000 for landscaping the pond area to supplement the landscaping from the developer. An agreement identifying the maintenance, landscaping and insurance provisions must be in place between the developer and Palm Beach County prior to the issuance of the first building permit.

MOTION to adopt a resolution approving a zoning map amendment from AR to PUD, subject to the conditions as amended, including the new condition read by Mr. Whiteford. Motion by Commissioner Roberts, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

4.C. PREVIOUSLY POSTPONED SMALL SCALE AMENDMENT AND ZONING PETITION

4.C.22. See page 4

4.C.23. See page 4

4.D. PREVIOUSLY POSTPONED ZONING PETITIONS

4.D.24.

PETITION 2001-017

Zoning Director Whiteford discussed the concerns of the Zoning Commission.

REGULAR AGENDA - CONTINUED

4.D.24. - CONTINUED

PUBLIC COMMENT:

Chad Drake opposed the petition, referring the board to his letter to them of January 28, 2002. He contended that the addition of a third gas station at this corner would aggravate the existing unsafe traffic conditions at the intersection.

Dennis Udwin expressed support for the project.

Commissioner Newell made the following comments:

- ? As a point of clarification, Mr. McKinnon had written his letter of opposition as a private person, not as an official representative of the City of Lake Worth.
- ? This petition was received before the county's code change allowing only two service stations per intersection. If it were denied, it could not come back to the board because there were already two service stations at the intersection.
- ? All kinds of heavy trucks pulled in daily at the Citgo station (and, to a lesser extent, the Texaco station) for gas and food. He expressed doubt that the BP Amoco site had the ability to handle the size and number of those trucks. That issue needed to be addressed.
- ? The elevations were satisfactory but could be improved and be more in conformance with the overall concept of the Lake Worth Park of Commerce. The way to do that was to reach out to the Treasure Coast Regional Planning Council, which had done a complete plan--uses, layouts, looks--for the park of commerce.
- ? The 15-foot landscape buffer to the west was critical.

? The issue of Commission Newell's comments was a matter of concern, especially because

REGULAR AGENDA - CONTINUED

4.D.24. - CONTINUED

Commissioner Roberts said she could not support a 30-day postponement because the option ended in seven days and she did not know whether the property owner would grant the petitioner a 30-day option.

UPON CALL FOR A VOTE, the motion carried 4-1. Commissioner Roberts opposed. Commissioners McCarty and Masilotti absent.

4.E. ZONING PETITIONS

REORDER

MOTION to reorder the agenda to consider item 4.E.26. and then item 4.E.28. Motion by Commissioner Roberts, seconded by Commissioner Marcus, and carried 5-0. Commissioners McCarty and Masilotti absent.

4.E.26.

PETITION 95-22

PETITION DOA95-22(B) (ARRIGO DODGE) OF CHRYSLER REALTY CORPORATION, BY KIM GLAS-CASTRO AND BONNIE MISKEL, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO RECONFIGURE THE SITE PLAN, DELETE SQUARE FOOTAGE, MODIFY/DELETE CONDITIONS OF APPROVAL, AND ADD GENERAL REPAIR AND MAINTENANCE AS A REQUESTED USE ON THE 29.09-ACRE PROPERTY LOCATED WEST OF THE FLORIDA TURNPIKE ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD. (P.O.P. 5898710 AND 5946522) POSTPONED TO FEBRUARY 28, 2002 -- 1-31-2002

MOTION to POSTPONE the item to February 28, 2002. Motion by Commissioner Roberts, seconded by Commissioner Marcus, and carried 5-0. Commissioners

seconded by Commissioner Roberts.

REGULAR AGENDA - CONTINUED

4.E.28. - CONTINUED

PUBLIC COMMENT:

Thomas J. Baird thanked the petitioner and representatives for their cooperation.

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

4.E.25.

**RESOLUTION R-2002-0143
(AMENDS R-92-350 AND R-92-351)**

RESOLUTION FOR PETITION DOA91-47(B) (HAGEN RANCH COMMERCE CENTER) OF HAGEN REALTY HOLDINGS INC., BY ROBERT E. BASEHART, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT (DOA) TO MODIFY/DELETE CONDITIONS OF APPROVAL FOR THE 7.48-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HAGEN RANCH ROAD AND BOYNTON BEACH BOULEVARD. ADOPTED WITH CONDITIONS AS AMENDED 1-31-2002

Zoning Director Whiteford explained that the request was to amend a condition of approval limiting the project to two signs--one on Hagen Ranch Road, the other on Boynton Beach Boulevard. The prior owner had taken the approved sign on Hagen Ranch Road and moved it to the outparcel. The current owner wished to have the second sign now along Hagen Ranch Road to identify the remainder of the project. Staff recommended denial because it was the owner's business decision to move the sign and staff did not want to set a precedent for that being the basis for coming back through the process and getting additional signage. The Zoning Commission had agreed to the current owner's request, however.

PUBLIC COMMENT:

feet of sign face.

REGULAR AGENDA - CONTINUED

4.E.25. - CONTINUED

- ? Add a condition to state that should the existing Shell gas sign be replaced, removed, or relocated, Shell's new sign shall be consistent with the other two signs.

Commissioner Marcus noted that the two signs were not consistent with each other, one being attractive, the other not. She asked that the third sign be conditioned to the attractive sign.

Commissioner Aaronson asked Mr. Basehart to show him the new sign at the same time he showed it to COBWRA.

UPON CALL FOR A VOTE, the motion carried 3-2. Commissioners Marcus and Newell opposed. Commissioners McCarty and Masilotti absent.

RECESS

At 12:11 p.m., the chair declared a recess.

RECONVENE

The board reconvened at 2:07 p.m. with Commissioners Aaronson, Greene, Marcus, Newell, and Roberts present.

4.E.26. See page 17.

4.E.27.

a.

PETITION 81-96

REGULAR AGENDA - CONTINUED

4.E.27. - CONTINUED

c.

PETITION 81-96

REQUEST OF PETITION DOA81-96(B) (LANTANA TRANSFER STATION) OF SOLID WASTE AUTHORITY AND LANTANA AND ORANGE FARMS INC., BY KIERAN J. KILDAY, TO APPROVE A DEVELOPMENT ORDER AMENDMENT (DOA) TO RECONFIGURE THE SITE PLAN TO ADD LAND AREA AND SQUARE FOOTAGE AND CONVENE THE SECOND PUBLIC HEARING ON FEBRUARY 28, 2002, AT 9:30 A.M. THE PROPERTY--9.0 ACRES (EXISTING); 50 (+41) ACRES (PROPOSED)--IS LOCATED 0.25 MILE WEST OF INTERSTATE 95 ON THE SOUTH SIDE OF LANTANA ROAD. (P.O.P. 360869, 5898710, AND 5928343) APPROVED AS AMENDED 1-31-2002

(CLERK'S NOTE: A handout for an additional motion was distributed [now item 4.E.27.a.])

Kieran J. Kilday, agent, agreed to the conditions with the exception of the following:

? Revised last sentence of condition F.5.A:

...The access road and interior roadways within the property shall be cleaned as necessary with appropriate technology to prevent odors from emanating from the roads.

? Revised last sentence of condition F.5.E:

...Based on the results at the end of this time period, the Palm Beach County Health Department may authorize frequency of sampling to be reduced to no less than annually for all parameters.

? Revised condition H.4:

...This management plan shall specifically address...identification of the

REGULAR AGENDA - CONTINUED

4.E.27. - CONTINUED

- ? One, which Mr. Kilday did mention, was increasing the number of trees along the eastern property line to help buffer the view of the building. Someday, it was hoped, the 20-foot-high trees would grow enough to hide the 75-foot-high building.
- ? The Solid Waste Authority (SWA) agreed to help plant some trees in the town's western property area and other areas in order to help buffer the view of the building.
- ? SWA agreed to work with the town in the placement of a well site should the town need one.
- ? SWA agreed that the training facility/community house would be available on an as available basis for any town group that might want to meet there.
- ? The issue of the town's possible future annexation of the property would be addressed later on.

Frank A. Kreidler, attorney for himself, Mary Ann Kreidler, David Flynn, and Kerry Flynn, said he anticipated being able to say that all of their issues are been resolved well before the February 28th meeting.

Commissioner Newell asked that the petitioner look into whether the mango trees could be transplanted for buffering continuity and to use the largest reasonable height and caliber of trees in the buffering. Mr. Kilday agreed.

MOTION to find that this request meets Comprehensive Plan and Unified Land Development Code criteria to permit this non-residential use in a residential area. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 5-0. Commissioners McCarty and Masilotti absent.

REGULAR AGENDA - CONTINUED

4.F. SPECIAL PETITION UNDER SECTION 15 OF THE UNIFIED LAND DEVELOPMENT CODE (TRAFFIC PERFORMANCE STANDARDS)

4.F.29.

a.

DENIAL OF A SPECIAL PETITION FROM OTC PINE LAKE CAMP RESORT, INC., PROPERTY OWNER, FOR RELIEF FROM TRAFFIC PERFORMANCE STANDARDS THAT CURRENTLY PREVENT NEAR-TERM REDEVELOPMENT TO THE OWNER'S DESIRED LEVEL OF INTENSITY. APPROVED DENIAL 1-31-2002

b.

DENIAL OF A SPECIAL PETITION FROM WILLIAM G. LASSITER, JR., PROPERTY OWNER, FOR RELIEF FROM TRAFFIC PERFORMANCE STANDARDS THAT CURRENTLY PREVENT NEAR-TERM DEVELOPMENT TO THE OWNER'S DESIRED LEVEL OF INTENSITY. APPROVED DENIAL 1-31-2002

Assistant County Attorney Banks swore in persons wishing to speak on this item.

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

Presentations on the OTC parcel were given by:

- ? Chief Assistant County Attorney Andrew J. McMahon
- ? Planning Director Frank M. Duke
- ? Traffic Division Assistant Director Dan Weisberg
- ? Frank Cardo, appraiser hired by the county to analyze the OTC and Lassiter parcels
- ? Kieran J. Kilday, planner for both parcels
- ? Kerry R. Schwencke attorney for OTC Pine Lake Camp Resort

REGULAR AGENDA - CONTINUED

4.F.29. - CONTINUED

- ? H. Adams Weaver, attorney for William G. Lassiter, Jr.
- ? Planner Kilday
- ? Diane Jenkins, appraiser for the petitioner

Commissioner Newell asked Mr. Weaver to provide to the county, as part of the record, whether Mr. Lassiter had developed and sold any existing shopping centers on Okeechobee Boulevard in the last two or three decades that add to the capacity problems of the roadway.

(CLERK'S NOTE: Commissioner Aaronson left the meeting.)

Board disclosure was given on both items.

MOTION to receive and file documentation submitted by both parties and staff. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.

MOTION to DENY the special petition of William G. Lassiter, Jr. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.

Assistant County Attorney Berger advised that, in order to continue with the litigation, the parties would need a written order denying each petition and signed by the chair. The board informally authorized the chair to sign the orders.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR

5 A 20

that the item be discussed at the next zoning meeting.

6. COMMISSIONER COMMENTS

(CLERK'S NOTE: Commissioner comment 6.A.32. was given earlier in the meeting; see page 21.)

6.A. COMMISSIONER AARONSON

6.A.32.

CHANGE OF DATE FOR MARCH 28, 2002, ZONING MEETING. DISCUSSED WITH DIRECTION 1-31-2002

Commissioner Aaronson requested that the zoning meeting on March 28, 2002, be rescheduled in order to avoid meeting on Passover. Zoning Director Whiteford said he would attend to the matter.

No backup provided.

6.B. COMMISSIONER ROBERTS

6.B.33.

CHARGE FOR LARGE DISTRICT MAPS. DISCUSSED 1-31-2002

Commissioner Roberts initiated discussion on the issue of the commissioners' offices being charged for copies of the large district maps. County Engineer George T. Webb assured the board there would be no charge.

No backup provided.

7. ADJOURNMENT