

**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 February 28, 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 - Arrived later  
Commissioner Burt Aaronson  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus  
Commissioner Tony Masilotti - Arrived later  
Assistant County Attorney Robert P. Banks  
Deputy Clerk Joan Haverly

**1.B.1. INVOCATION** - Commissioner Greene

**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 I and Development Regulation Commission and Zoning Commission pursuant

**1.F. ADOPTION OF AGENDA**

**MOTION to adopt the agenda. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 5-0. Commissioners Masilotti and Roberts absent.**

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

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
2	2.A.3.	<b>Petition DOA95-22(B) (Arrigo Dodge):</b> Remand to March 7, 2002, Zoning Commission.
3	3.B.4.	<b>Petition PDD/TDR2001-029 (Colony Club Apartments PUD):</b> Amend conditions of approval.
3	3.B.5.	<b>Petition EAC90-30(F) (Fountains of Boynton):</b> Amend conditions of approval.

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

**3. CONSENT AGENDA - See pages 3-8.**

**4. REGULAR AGENDA - See pages 8-15.**

**5. DIRECTOR COMMENTS - See pages 15-17.**

**6. COMMISSIONER COMMENTS - See page 17.**

**7. ADJOURNMENT - See page 17.**

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## POSTPONEMENTS - CONTINUED

### 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 APRIL 4, 2002 -- 2-28-2002

### 2.A.3.

### 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 FOR THE 29.09-ACRE PROPERTY LOCATED WEST OF THE FLORIDA TURNPIKE ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD. (P.O.P. 5898710 AND 5946522 [1-31-2002]) REMANDED TO MARCH 7, 2002, ZONING COMMISSION 2-28-2002

Zoning Director William C. Whiteford reminded the board that the March 28, 2002, zoning meeting had been moved to April 4, 2002.

PUBLIC COMMENT: None

**MOTION to POSTPONE items 2.A.1. and 2.A.2. to April 4, 2002, and REMAND item 2.A.3. to the March 7, 2002, Zoning Commission. Motion by Commissioner Aaronson seconded by Commissioner Marcus and carried 5-0**

MILITARY TRAIL. (P.O.P. 5898710 AND 5946522 [1-31-2002]) ADOPTED WITH CONDITIONS AS AMENDED 2-28-2002

**CONSENT AGENDA - CONTINUED**

**3.B.4. - CONTINUED**

**b.**

**RESOLUTION R-2002-0291**

RESOLUTION FOR PETITION TDR2001-029 (COLONY CLUB APARTMENTS PUD [PLANNED UNIT DEVELOPMENT]) OF HOLIDAY MANAGEMENT ASSOCIATES, BYLAND DESIGN SOUTH, AGENT, FOR TRANSFER OF DEVELOPMENT RIGHTS (TDR) FOR 95 TDR UNITS AND DESIGNATION OF THE SUBJECT SITE AS THE RECEIVING AREA. THE 23.81-ACRE PROPERTY IS LOCATED 500 FEET SOUTH OF HYPOLUXO ROAD ON THE EAST SIDE OF MILITARY TRAIL. (P.O.P. 5898710 AND 5946522 [1-31-2002]) ADOPTED WITH CONDITIONS 2-28-2002

On the Amendments to the Agenda sheet, condition N.8 was modified and condition N.9 was added to the resolution for petition PDD2001-029.

**3.B.5.** See pages 8-9.

**3.C. ZONING PETITIONS**

**3.C.6.**

**RESOLUTION R-2002-0292**

RESOLUTION FOR PETITION Z/COZ2000-031(A) (FOUR POINTS CENTER GOVERNMENTAL COMPLEX) OF PALM BEACH COUNTY FACILITIES DEVELOPMENT AND OPERATIONS, 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 15.87-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MILITARY TRAIL AND GUN CLUB ROAD. (P.O.P. 360869 AND 5898710 [1-31-2002]; AND 380626) ADOPTED WITH CONDITIONS 2-28-2002

## CONSENT AGENDA - CONTINUED

### 3.D.8.

### PETITION 98-22

STATUS REPORT SR 1998-022 FOR RESOLUTIONS R-98-1808 AND R-98-1809 (PETITION 98-22) (CONGRESS PARK IMEDICAL CENTER) OF JERRY D. MCCOY TRUSTEE, PETITIONER (JERRY D. MCCOY, TRUSTEE, AND DON E. MCCOY, TRUSTEE, PROPERTY OWNER), TO AMEND CONDITIONS OF APPROVAL (TRAFFIC PERFORMANCE STANDARDS) IN R-98-1808 AND R-98-1809 FOR THE 3.3-ACRE PROPERTY LOCATED 0.2 MILE WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF 6TH AVENUE SOUTH, WHICH IS ZONED COMMERCIAL LOW OFFICE (CLO) WITH A CLASS A CONDITIONAL USE (CA) TO ALLOW A PROFESSIONAL/MEDICAL OFFICE. POSTPONED TO APRIL 4, 2002 -- 2-28-2002

Zoning Director Whiteford informed the board that the agent wished to postpone items 3.D.7. and 3.D.8. to April 4, 2002.

PUBLIC COMMENT: None

**MOTION to POSTPONE items 3.D.7. and 3.D.8. to April 4, 2002. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 5-0. Commissioners Masilotti and Roberts absent.**

### 3.D.9.

### PETITION 80-211

STATUS REPORT SR 80-211B.8 FOR RESOLUTION R-90-51 (PETITION 80-211[B]) (MILITARY TRAIL BAKERY CENTER) OF MILITARY TRAIL BAKERY CENTER, PETITIONER (JOYCE A. KJELGREN, PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL JANUARY 2, 2004, FOR R-90-51 FOR THE 1.3-ACRE PROPERTY LOCATED 0.2 MILE SOUTH OF MELALEUCA LANE ON THE EAST SIDE OF MILITARY TRAIL, WHICH IS ZONED GENERAL COMMERCIAL (CG) WITH A SPECIAL EXCEPTION TO ALLOW A WHOLESALE BAKERY. APPROVED 2-28-2002

**CONSENT AGENDA - CONTINUED**

**3.D.11.**

**RESOLUTION R-2002-0293  
(AMENDS R-97-8)**

RESOLUTION FOR STATUS REPORT SR 86-62B.2 FOR RESOLUTION R-98-8 (PETITION 86-62[B]) (MATTHEWS MINI STORAGE) OF M. TRAIL, INC., PETITIONER-OWNER, TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL) IN R-97-8 AND APPROVE A TIME EXTENSION UNTIL JANUARY 6, 2004, TO COMMENCE DEVELOPMENT FOR THE 3.94-ACRE PROPERTY LOCATED 0.2 MILE SOUTH OF CRESTHAVEN BOULEVARD ON THE WEST SIDE OF MILITARY TRAIL, WHICH IS ZONED GENERAL COMMERCIAL (CG) WITH A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT (PCD) INCLUDING A SELF-STORAGE FACILITY AND VEHICLE RENTAL AS REQUESTED USES. ADOPTED WITH CONDITIONS 2-28-2002

**3.D.12.**

**RESOLUTION R-2002-0294  
(AMENDS R-95-5)**

RESOLUTION FOR STATUS REPORT SR 94-68.3 FOR RESOLUTION R-95-5 (PETITIONER 94-68) OF LAURA MOUNT, PETITIONER (ALL AIR CONDITIONED, PROPERTY OWNER), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL) IN R-95-5 AND APPROVE A TIME EXTENSION UNTIL JANUARY 6, 2004, TO COMMENCE DEVELOPMENT FOR THE 3.8-ACRE PROPERTY LOCATED 0.1 MILE EAST OF CONGRESS AVENUE ON THE NORTHWEST CORNER OF LAKE WORTH ROAD AND ENGLE ROAD, WHICH IS ZONED GENERAL COMMERCIAL (CG) WITH A CLASS A CONDITIONAL USE (CA) TO ALLOW A SELF-STORAGE FACILITY. ADOPTED WITH CONDITIONS 2-28-2002

**3.D.13.**

**PETITION 96-89**

STATUS REPORT SR 96-89.2 FOR RESOLUTION R-97-15 (PETITION 96-89)  
(FOR COMBROAD TOWER) OF SBBPINT SPECTRUM I.D. PETITIONER (STANLEY V.T

## **CONSENT AGENDA - CONTINUED**

### **3.D.15.**

### **PETITION 84-5**

STATUS REPORT CR 1984-005B/E8 FOR RESOLUTION R-2000-0590 (PETITION 84-5[B]) (UNITED CEREBRAL PALSY DAYCARE) OF UNITED CEREBRAL PALSY ASSOCIATION, PETITIONER-OWNER, TO APPROVE A TIME EXTENSION UNTIL JULY 1, 2002, TO COMPLY WITH CONDITION E.8 OF R-2000-0590 FOR THE 3.28-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF COCONUT ROAD AND 2ND AVENUE NORTH, WHICH IS ZONED SINGLE-FAMILY RESIDENTIAL (RS) WITH A CLASS A CONDITIONAL USE (CA) TO ALLOW A GENERAL DAYCARE. APPROVED 2-28-2002

### **3.D.16.**

### **PETITION 96-31**

STATUS REPORT CR 1996-031A FOR RESOLUTION R-99-100 (PETITION 96-31[A]) (JOG ROAD PUD [TAHERI]) OF Z. E. TAHERI AND MDL REALTY COMPANY, PETITIONER (MDL REALTY COMPANY ET AL., PROPERTY OWNER), TO APPROVE A TIME EXTENSION UNTIL MAY 1, 2002, TO COMPLY WITH CONDITIONS R.1, R.2., AND R.3. OF R-99-1000 FOR THE 93.38-ACRE PROPERTY LOCATED SOUTH OF BELVEDERE ROAD ON THE EAST SIDE OF JOG ROAD, WHICH IS ZONED PLANNED UNIT DEVELOPMENT (PUD) WITH A DEVELOPMENT ORDER AMENDMENT (DOA) TO AMEND THE PRELIMINARY DEVELOPMENT PLAN (PDP) TO ADD AN ACCESS POINT, RECONFIGURE THE MASTER PLAN, AND DELETE CONDITIONS F.1 THROUGH F.5 (LANDSCAPING). APPROVED 2-28-2002

## **3.E. ABANDONMENT RESOLUTION**

### **3.E.17.**

### **RESOLUTION R-2002-0295 (REVOKES R-95-1321.4)**

RESOLUTION FOR PETITION 95-46 (VAN TINE PLACE) OF BONNIE S. RAINERI, PETITIONER, TO APPROVE THE ABANDONMENT OF A VOLUNTARY DENSITY

MILITARY TRAIL. ADOPTED 2-28-2002

**CONSENT AGENDA - CONTINUED**

**3.F.20.**

**RESOLUTION R-2002-0298  
(AMENDS R-2001-0612)**

RESOLUTION FOR PETITION PDD2000-091 (HYPOLUXO SQUARE) OF ST. HERMANS ORTHODOX CHURCH, OWNER-PETITIONER, TO CORRECT THE LEGAL DESCRIPTION. THE 13.05-ACRE PROPERTY IS LOCATED 0.25 MILE WEST OF MILITARY TRAIL ON THE SOUTH SIDE OF HYPOLUXO ROAD. ADOPTED 2-28-2002

PUBLIC COMMENT: None

**MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions [with the exception of items 3.D.7. and 3.D.8., which were considered separately]. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 5-0. Commissioners Masilotti and Roberts absent.**

Robert E. Basehart, agent for Fountains of Boynton Associates (item 3.B.5.), said the petitioner had been asked by the Engineering department to accept an amended landscaping condition. He asked that the option be left with the petitioner to install and maintain the median landscaping himself.

Commissioner Newell said the item should be pulled from the consent agenda.

**MOTION to pull item 3.B.5. from the consent agenda. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 5-0. Commissioners Masilotti and Roberts absent.**

petitioner a landscape plan to landscape or request the funding.

## **REGULAR AGENDA - CONTINUED**

### **3.B.5. - CONTINUED**

Mr. Basehart explained that the petitioner wanted the option of installing and maintaining the median landscaping to a higher standard than might be done by the county.

Commissioner Marcus recalled that the board had decided in a previous workshop that the county should undertake median landscaping installation and maintenance.

The board agreed to stand by its previous decision. The petitioner withdrew his request.

**MOTION to adopt a resolution approving a development order amendment to reconfigure the site plan, add a parking garage, and increase building height, subject to conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 5-0. Commissioners Masilotti and Roberts absent.**

### **4.B. PREVIOUSLY POSTPONED SMALL SCALE AMENDMENT AND ZONING PETITION**

#### **4.B.21.**

##### **a. APPLICATION 2002-SCA 71 COM 2**

DENIAL OF APPLICATION 2002-SCA 71 COM 2 (MILITARY TRIAL/PURDY LANE) OF GEORGE F. CASSELL, CHERYL CASSELL, NEIL STRINGER, ANDREA STRINGER, AND SOUTH DEVELOPMENT ASSOCIATES, BY KIERAN J. KILDAY, AGENT, FOR A SMALL SCALE LAND USE AMENDMENT (SCA) TO AMEND LAND USE FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH (CH) WITH CROSS-HATCHING WITH A CONDITION FOR THE 0.78-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILITARY TRAIL AND

## REGULAR AGENDA - CONTINUED

### 4.B.22.

### RESOLUTION 2002-0300 (REVOKES R-81-1589)

RESOLUTION FOR 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) AND WITH A CONDITIONAL OVERLAY ZONE (COZ) ON THE 0.78-ACRE PARCEL OF LAND AT THE NORTHWEST CORNER OF MILITARY TRAIL AND PURDY LANE. ADOPTION WILL REVOKE RESOLUTION R-81-1589 (PETITION 81-164). (P.O.P. 5828660 AND 5898506 [1-3-2002]) ADOPTED WITH CONDITIONS AS AMENDED 2-28-2002

Addressing item 4.B.21., Planning Technician Jamie Gentile explained that staff recommended denial of the small scale amendment application for the following reasons:

- ? The applicant's justification did not adequately warrant a land use change on the site. The applicant could develop the existing commercial properties to the east, without using these residential parcels, if he proposed a less intense use. Although the applicant mentioned redevelopment and encouraging infill development, both good concepts, use of the existing commercial parcels alone would qualify as infill, without the amendment.
- ? Staff shared several residents' concern about the expansion of the commercial site into an existing residential area. At time of publication, staff had received two letters in opposition.
- ? In terms of infrastructure and services, staff did not identify any problems or concerns with the commercial use on the site.

Mr. Gentile added that the Land Use Advisory Board recommended approval of the applicant's request by a 12-1 vote.

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

**REGULAR AGENDA - CONTINUED**

**4.B.22. - CONTINUED**

**MOTION to adopt a resolution approving the zoning map amendment from RM to CG with a COZ, subject to conditions as amended. Motion by Commissioner Roberts, seconded by Commissioner McCarty, and carried 6-0. Commissioner Greene absent.**

(CLERK'S NOTE: Commissioner Greene rejoined the meeting.)

**4.C. PREVIOUSLY POSTPONED ZONING PETITIONS**

**4.C.23.**

**a.**

**PETITION 2001-017**

PETITION Z2001-017 (10TH AVENUE/BOUTWELL AMOCO) OF BP AMOCO, BY NICK NICHOLS, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) (RH) TO GENERAL COMMERCIAL (CG) FOR THE 1.14-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF BOUTWELL AVENUE AND 10TH AVENUE NORTH. (P.O.P. 5748955 AND 5822213 [11-29-2001]) POSTPONED TO APRIL 4, 2002 -- 2-28-2002

**b.**

**PETITION 2001-017**

PETITION CA2001-017 (10TH AVENUE/BOUTWELL AMOCO) OF BP AMOCO, BY NICK NICHOLS, AGENT, FOR A CLASS A CONDITIONAL USE (CA) TO ALLOW A CONVENIENCE STORE WITH GASOLINE SALES ON THE 1.14-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF BOUTWELL AVENUE AND 10TH AVENUE NORTH. (P.O.P. 5748955 AND 5822213 [11-29-2001]) POSTPONED TO APRIL 4, 2002 -- 2-28-2002

## REGULAR AGENDA - CONTINUED

### 4.C.23. - CONTINUED

Ms. Harris said six pumps (i.e., islands) were essential. She submitted a letter from Michael J. Busha, executive director of TCRPC, stating that the number of pumps was of local, not regional, significance.

**MOTION to receive and file the letter. Motion by Commissioner Aaronson, seconded by Commissioner Roberts, and carried 7-0.**

Zoning Director Whiteford expressed his opinion that the distributed design concept did not attain the goal of “ authentic arcades along 10th and Boutwell with a prominent, non-occupiable structure/building on the corner” (Exhibit F). Staff could explore the matter further with the agent, he said.

#### PUBLIC COMMENT:

Marie Horenburger, agent for the property owner, stated that through the conditional use process the City of Lake Worth would be able to annex this property. Mayor Rodney G. Romano had authorized her to say that the city was anxious that the site be cleaned up and moved forward. She said that the property owner supported Mayor Romano’s recommendations contained in notes to Commissioner Newell. Ms. Horenburger added that the six islands were crucial.

Dennis Udwin, property owner, discussed his experience with the property.

Ed Breese, community development director of the City of Lake Worth, answered the board’s questions about annexation.

Commissioner Marcus said she did not think the distributed design was what the Treasure Coast Regional Planning Council had in mind for this site. If the board wished to approve the petition, she said, she recommended a 30-day postponement in which to address the frontage decoration.

**REGULAR AGENDA - CONTINUED**

**4.D. ZONING PETITIONS**

**4.D.24.**

**a. PETITION 81-96**

DETERMINATION BY THE BOARD OF COUNTY COMMISSIONERS THAT THE REZONING AND DEVELOPMENT ORDER AMENDMENT REQUESTS OF PETITION Z/DOA81-96(B) (LANTANA TRANSFER STATION) OF SOLID WASTE AUTHORITY AND LANTANA MANGO AND ORANGE FARMS INC., BY KIERAN J. KILDAY, AGENT, MEET COMPREHENSIVE PLAN AND UNIFIED LAND DEVELOPMENT CODE CRITERIA TO PERMIT THIS NON-RESIDENTIAL USE IN A RESIDENTIAL AREA. 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. 380626 AND 6035000) APPROVED 2-28-2002

**b. RESOLUTION R-2002-0301**

RESOLUTION FOR PETITION Z81-96(B) (LANTANA TRANSFER STATION) OF SOLID WASTE AUTHORITY AND LANTANA MANGO AND ORANGE FARMS INC., BY KIERAN J. KILDAY, TO APPROVE AN OFFICIAL ZONING MAP AMENDMENT (Z) FROM GENERAL COMMERCIAL/SPECIAL EXCEPTION (CG/SE) AND SINGLE-FAMILY RESIDENTIAL (RS) TO PUBLIC OWNERSHIP (PO) FOR THE PROPERTY--9.0 ACRES (EXISTING); 50 (+41) ACRES (PROPOSED)--LOCATED 0.25 MILE WEST OF INTERSTATE 95 ON THE SOUTH SIDE OF LANTANA ROAD. (P.O.P.380626 AND 6035000) ADOPTED 2-28-2002

**c. RESOLUTION R-2002-0302**

RESOLUTION FOR 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

## REGULAR AGENDA - CONTINUED

### 4.D.22 - CONTINUED

- b. The slope areas on both the north and south sides of Lantana Road, between the SWA entrance and I-95, as permitted by Palm Beach County and the Florida Department of Transportation.

The design of the plan will be coordinated with the staff of the Town of Lantana and implemented prior to the issuance of a certificate of occupancy.

? Added condition H.9:

The Solid Waste Authority will cooperate with the Town of Lantana in locating public water supply sites on the subject property, if so requested by the town.

Mr. Kilday said he wanted to make it clear on the record that there was an attachment to Frank Kreidler's dismissal of his appeal (agenda item 4.E.25), which was a letter from Solid Waste Authority (SWA) Executive Director Donald L. Lockhart dated February 13, 2002, and a follow-up letter from SWA Managing Director Mark Hammond dated February 22, 2002, that included a specific site plan showing location of the berming behind the residences of Frank and Mary Ann Kreidler and of David and Kerry Flynn.

#### PUBLIC COMMENT:

Frank A. Kreidler confirmed that he had withdrawn his appeal on behalf of himself, Mary Ann Kreidler, David Flynn, and Kerry Flynn.

Senior Planner Jim Bell noted the following revision to the first sentence of condition G.1: "The SWA shall pay its fair share of the cost of installing a combined bike path and pedestrian walkway on the east side of High Ridge Road, along its street frontage, ~~in conformance to the intent of the High Ridge Road Study.~~"

**MOTION to find that this request meets Comprehensive Plan and Unified Land Development Code criteria to permit this non-residential use in a residential**

**REGULAR AGENDA - CONTINUED**

**4.E. APPEAL FOR LANTANA TRANSFER**

**4.E.25. PETITION 81-96**

APPEAL BY FRANK A. KREIDLER, MARY ANN KREIDLER, DAVID FLYNN, AND KERRY FLYNN OF THE JANUARY 4, 2002, ZONING COMMISSION APPROVAL OF THE CLASS B CONDITIONAL USE (CB) TO EXPAND A SOLID WASTE TRANSFER STATION FOR THE LANTANA TRANSFER STATION (PETITION Z/DOA/CB 81-96[B]) LOCATED 0.25 MILE WEST OF INTERSTATE 95 ON THE SOUTH SIDE OF LANTANA ROAD. WITHDRAWN 2-28-2002

(CLERK'S NOTE: See pages 13-14 for discussion and withdrawal of this item.)

**5. DIRECTOR COMMENTS**

**5.A. ZONING DIRECTOR**

**5.A.26.**

PERMISSION TO ADVERTISE SCHOOL CONCURRENCY/GENERAL ISSUES ORDINANCE FOR FIRST PUBLIC HEARING ON MARCH 12, 2002. APPROVED SCHOOL CONCURRENCY, APPROVED GENERAL ISSUES, EXCLUDING REAL ESTATE SALES OFFICES; AND POSTPONED REAL ESTATE SALES OFFICES TO APRIL 4, 2002 -- 2-28-2002

**MOTION to approve the advertisement of the ordinance for first public hearing on March 12, 2002. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.**

Commissioner Masilotti indicated he had concerns about the general issues portion of the ordinance.

- ? Extension of the closing deadline of non-complying real estate sales offices for an additional year to January 31, 2003.

**ZONING DIRECTOR COMMENTS - CONTINUED**

**5.A.26. - CONTINUED**

Commissioner Aaronson updated the board on his negotiations with Realtors and developers and suggested a 30-day postponement on the real estate sales offices portion of the ordinance and to act on it separately.

**MOTION to POSTPONE the real estate sales offices portion of the ordinance for 30 days (April 4, 2002). Motion by Commissioner Aaronson and seconded by Commissioner Masilotti.**

Zoning Director Whiteford said staff would combine the other general issues with school concurrency in one ordinance and pull real estate sales offices for a separate ordinance.

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

Commissioner Roberts recommended that the other sections of the general issues portion of the ordinance be approved and that speakers then be heard prior to the board's acting on the real estate sales offices portion of the ordinance.

**MOTION WITHDRAWN BY THE CHAIR.**

**MOTION to approve the general issues portion of the ordinance with the exception of real estate sales offices. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 7-0.**

PUBLIC COMMENT:

Jennifer English, representing the Realtors Association of the Palm Beaches, said it

that beyond the sale of new units in new projects, the sale of resales was never allowed by code.

**ZONING DIRECTOR COMMENTS - CONTINUED**

**5.A.26. - CONTINUED**

**MOTION to POSTPONE the real estate sales office portion of the ordinance for 30 days (April 4, 2002). Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 7-0.**

**5.A.27.**

PERMISSION TO ADVERTISE VACANT LOT/LANDSCAPING AND CLEARING ORDINANCE FOR ADOPTION PUBLIC HEARING ON MARCH 12, 2002.  
APPROVED 2-28-2002

**MOTION to advertise the ordinance. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 7-0.**

**6. COMMISSIONER COMMENTS**

**6.A. COMMISSIONER MASILOTTI**

**6.A.28.**

CODE ENFORCEMENT ON SOUTHERN BOULEVARD. DISCUSSED 2-28-2002

Commissioner Masilotti asked the chair to encourage the Code Enforcement Division to spend more time working on code violations on Southern Boulevard.

Commissioner Newell responded that Code Enforcement had been working on the roadway, issuing notices and cleaning things up. The problem was that the process of giving notice, due diligence, and time to correct was a lengthy one. The county's rights were limited, he said.