

MEETING: BOARD OF COUNTY COMMISSIONERS, ZONING MATTERS

1. CALL TO ORDER: April 4, 2002, at 9:40 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
Commissioner Tony Masilotti – Arrived later
Assistant County Attorney Robert P. Banks
Deputy Clerk Joan Haverly

1.B.1. INVOCATION – Commissioner Roberts

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 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 April 4, 2002, at 9:30 a.m., in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

1.D. PROOF OF PUBLICATION APPROVED 4-4-2002

MOTION to receive and file proofs of publication 6029562, 6106304, 6106606, and 6124066. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 6-0. Commissioner Masilotti absent.

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in an earlier meeting: 5661817 [10-2-2001]; 5748955 and 5822213 [11-29-2001]; 337687, 5828660 and 5898502 [1-3-2002]; and 5898710 and 5946522 [1-31-2002]. These public hearings were continued to today's meeting.)

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.F. ADOPTION OF AGENDA

MOTION to adopt the agenda. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 6-0. Commissioner Masilotti absent.

1.F.1. AMENDMENTS TO AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
4	3.B.7.	Petition DOA 96-84(A) (Stonehaven PUD, aka Wellington Glen Estates PUD): Amend conditions.
5	3.C.11.	Petition PDD2001-053 (Military Melaleuca MUPD): Amend conditions.
6	3.C.12.	Petition DOA77-41(B) (Greater Yamaha of Palm Beach): Amend conditions.
10	4.B.27.	Application 2001-SCA 26 COM 1 (PGA/Ellison Wilson, aka Hatties Landing): Add motion.
10	4.B.28.	Petition PDD/DOA94-159(B) (Hatties Landing): Amend conditions.
11	4.C.29.	Petition W86-11(A) (Village Corner Stores): Amend conditions.
12	4.E.32.	Petition Z/CA2001-017 (10th Avenue/Boutwell Amoco): Amend conditions.

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

3. CONSENT AGENDA - See pages 4-8.

4. REGULAR AGENDA - See pages 8-21.

5. DIRECTOR COMMENTS - See page 22.

6. COMMISSIONER COMMENTS - None.

7. ADJOURNMENT - See page 22.

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2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. PETITION 90-17

PETITION DOA90-17(B) (BOYNTON SELF STORAGE) OF LAWRENCE GABRIEL, BY ROBERT E. BASEHART, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN, MODIFY/DELETE CONDITIONS, AND ALLOW A FUNERAL HOME (REQUESTED USE) ON THE 6.32-ACRE PROPERTY LOCATED 500 FEET EAST OF HAGEN RANCH ROAD ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD. (P.O.P. 6029562 AND 6106304) POSTPONED TO APRIL 25, 2002 -- 4-4-2002

POSTPONEMENTS - CONTINUED

2.A.2.

PETITION 80-236

PETITION 80-236(B) (CAMBRIDGE AUTO SALES) OF GARY WESTON AND JULIE WESTON, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND AMEND CONDITIONS OF APPROVAL FOR THE 0.84-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CAMBRIDGE STREET AND MILITARY TRAIL. (P.O.P. 6106304 AND 6029562) POSTPONED TO APRIL 25, 2002 -- 4-4-2002

No backup provided.

2.A.3.

PETITION 87-6

PETITION DOA87-6(D) (LEXUS OF PALM BEACH) OF AUTO NATION IMPORTS PALM BEACH INC. AND TAURUS ASSOCIATES INC., BY KIM JURAN, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA AND DISPLAY SPACES FOR THE 4.04-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND CONGRESS AVENUE. (P.O.P. 6106304 AND 6029562) POSTPONED TO APRIL 25, 2002 -- 4-4-2002

2.A.4.

PETITION 2001-057

PETITION CA2001-057 (ST. JOSEPH'S HIGH SCHOOL) OF THE WILLIAM CHINNICK CHARITABLE FOUNDATION, INC., BY LAND DESIGN SOUTH, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A PRIVATE SCHOOL AND A CHURCH OR PLACE OF WORSHIP ON THE 50.76-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF BOYNTON BEACH BOULEVARD AND ACME DAIRY ROAD. (P.O.P. 6106304 AND 6029562) POSTPONED TO APRIL 25, 2002 -- 4-4-2002

2.B. WITHDRAWALS

2.B.5.

PETITION 88-99

STATUS REPORT SR 88-99A.7 FOR RESOLUTIONS R-89-1233 AND R-89-1234 (PETITION 88-99[A]) (SALICK HEALTH CARE), THE PETITION OF H.A.S. LAND DEVELOPMENT INC. (PROPERTY OWNER: SALICK HEALTH CARE, INC.) FOR THE 5.22-ACRE PROPERTY LOCATED 0.2 MILE NORTH OF 212TH STREET ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441). WITHDRAWN 4-4-2002

2.B.6.

PETITION 73-157

STATUS REPORT SR 73-157A.3 FOR RESOLUTION R-91-243 (PETITION 73-157[A]) (KING'S ACADEMY), THE PETITION OF KING'S ACADEMY, PROPERTY OWNER-PETITIONER, FOR THE 19.8-ACRE PROPERTY LOCATED 0.1 MILE EAST OF MILITARY TRAIL ON THE NORTH SIDE OF CHERRY ROAD. WITHDRAWN 4-4-2002

MOTION to POSTPONE items 2.A.1., 2.A.2., 2.A.3., and 2.A.4. to the dates indicated and to WITHDRAW items 2.B.5. and 2.B.6. Motion by Commissioner Aaronson, seconded by Commissioner Roberts, and carried 6-0. Commissioner Masilotti absent.

3. CONSENT AGENDA

MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions. Motion by Commissioner Aaronson, seconded by Commissioner Roberts, and carried 6-0. Commissioner Masilotti absent.

PUBLIC COMMENT: None

3.A. REQUESTS TO PULL ITEMS FROM CONSENT

Items 3.C.9. and 3.C.11. were pulled by staff for individual discussion; see pages 8-9 and 10, respectively.

3.B. PREVIOUSLY POSTPONED ZONING PETITIONS

**3.B.7. RESOLUTION R-2002-0489
(AMENDS R-97-158)**

RESOLUTION FOR PETITION DOA96-84(A) (STONEHAVEN PLANNED UNIT DEVELOPMENT [PUD], AKA WELLINGTON GLEN ESTATES PUD) OF CENTEX HOMES, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND ADD UNITS ON 14.88 ACRES OF THE 126.5-ACRE PROPERTY LOCATED 0.25 MILE NORTH OF FOREST HILL BOULEVARD ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 5661817 [10-2-2001]) ADOPTED WITH CONDITIONS AS AMENDED 4-4-2002

Zoning Director William C. Whiteford noted there were condition revisions on the amendments to the agenda sheet, namely, to condition E.7.

Engineering Assistant Jim Choban made additional changes to condition E.7:

- To give impact fee credit for impact fees previously paid.
- To include the word "not" in part c.

Land Development Director Kenneth S. Rogers modified the second sentence in the note in condition E.7, namely, "Prior to the issuance of the 196th building permit...."

3.C. ZONING PETITIONS

3.C.8. RESOLUTION R-2002-0490

RESOLUTION FOR PETITION Z2001-069 (KIRKHAM REZONING) OF GEORGE KIRKHAM AND PAMELA CRAWFORD, BY CHARLES PUTNAM, AGENT, FOR A ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL TRANSITIONAL (RT) WITH A CONDITIONAL OVERLAY ZONE FOR THE 5.2-ACRE PROPERTY LOCATED 0.75 MILE EAST OF JOG ROAD ON THE SOUTH SIDE OF WESTERN WAY. (P.O.P. 6106304 AND 6029562) ADOPTED WITH CONDITIONS 4-4-2002

3.C.9. See pages 8-9.

CONSENT AGENDA - CONTINUED

3.C.10.

**RESOLUTION R-2002-0491
(AMENDS R-2001-1213)**

RESOLUTION FOR PETITION DOA97-104(B) (THE OAKS OF BOCA RATON, AKA RAINBOW PUD [PLANNED UNIT DEVELOPMENT]) OF THE OAKS OF BOCA RATON CENTURE L.P., BY KILDAY & ASSOCIATES, INC., AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE MASTER PLAN AND MODIFY/DELETE CONDITIONS OF APPROVAL FOR 17 ACRES OF THE 410.35-ACRE PROPERTY LOCATED 600 FEET NORTH OF CLINT MOORE ROAD ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 6029562 AND 6106304) ADOPTED WITH CONDITIONS 4-4-2002

3.C.11. See page 10.

3.C.12.

**RESOLUTION R-2002-0492
(AMENDS R-89-584)**

RESOLUTION FOR PETITION DOA77-41(B) (GREATER YAMAHA OF PALM BEACH) OF GREATER YAMAHA OF PALM BEACH, BY RUSSELL SCOTT, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD SQUARE FOOTAGE AND ALLOW VEHICLE SALES AND RENTAL AND GENERAL REPAIR AND MAINTENANCE AS REQUESTED USES ON 3.99 ACRES OF THE 9.98-ACRE PROPERTY LOCATED 600 FEET NORTH OF CHERRY ROAD ON THE EAST SIDE OF MILITARY TRAIL. (P.O.P. 6029562 AND 6106304) ADOPTED WITH CONDITIONS AS AMENDED 4-4-2002

Zoning Director Whiteford directed the board's attention to a condition modification on the amendments to the agenda sheet, namely, condition E.14.

3.C.13.

RESOLUTION R-2002-0493

RESOLUTION FOR PETITION Z/COZ2001-058 (COVEY/REZONING) OF LAWRENCE R. COVEY, BY BERNARD A. CONKO, AGENT, FOR A ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) TO LIGHT INDUSTRIAL (IL) WITH A CONDITIONAL OVERLAY ZONE FOR THE 0.63-ACRE PROPERTY LOCATED 0.15 MILE NORTH OF OKEECHOBEE BOULEVARD ON THE EAST SIDE OF SCOTT AVENUE. (P.O.P. 6029562 AND 6106304) ADOPTED WITH CONDITIONS 4-4-2002

3.D. STATUS REPORTS

3.D.14.

**RESOLUTION R-2002-0494
(AMENDS R-98-1807)**

RESOLUTION FOR STATUS REPORT SR 1998-021 FOR RESOLUTIONS R-98-1806 AND R-98-1807 (PETITION 98-21) (CONGRESS PARK II MEDICAL CENTER) OF ROBERT WHITAKER, TRUSTEE, PROPERTY OWNER-PETITIONER, TO AMEND CONDITIONS OF APPROVAL IN R-98-1807 AND APPROVE A TIME EXTENSION TO OCTOBER 22, 2003, TO COMMENCE DEVELOPMENT ON THE 2.98-ACRE PROPERTY LOCATED 0.1 MILE WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF 6TH AVENUE SOUTH. ADOPTED WITH CONDITIONS 4-4-2002

CONSENT AGENDA - CONTINUED

3.D.15.

**RESOLUTION R-2002-0495
(AMENDS R-98-1809)**

RESOLUTION FOR STATUS REPORT SR 98-22 FOR RESOLUTION R-98-1808 AND R-98-1809 (PETITION 98-22) (CONGRESS PARK I MEDICAL CENTER), THE PETITION OF JERRY D. MCCOY, TRUSTEE (PROPERTY OWNER: JERRY D. MCCOY, TRUSTEE; DONALD E. MCCOY, TRUSTEE; AND EMERALD LAKE APARTMENTS), TO AMEND CONDITIONS OF APPROVAL AND APPROVE A TIME EXTENSION TO OCTOBER 22, 2003, TO COMMENCE DEVELOPMENT ON THE 3.3-ACRE PROPERTY LOCATED 0.2 MILE WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF 6TH AVENUE SOUTH. ADOPTED WITH CONDITIONS 4-4-2002

3.D.16.

**RESOLUTION R-2002-0496
(AMENDS R-97-248)**

RESOLUTION FOR STATUS REPORT SR 1989-052A FOR RESOLUTIONS R-97-247 AND R-97-248 (PETITION 89-52[A]) (GKK), THE PETITION OF GKK CORPORATION (PROPERTY OWNER: PALM BEACH AGGREGATES, INC.), TO AMEND CONDITIONS OF APPROVAL IN R-97-248 AND APPROVE A TIME EXTENSION TO AUGUST 1, 2002, TO COMPLY WITH CONDITION E.7.C AND UNTIL OCTOBER 1, 2002, TO COMPLY WITH CONDITION E.7.B OF RESOLUTION R-2002-0009. ADOPTED WITH CONDITIONS 4-4-2002

3.D.17.

**RESOLUTION R-2002-0497
(AMENDS R-90-356)**

RESOLUTION FOR STATUS REPORT SR 89-76.4 FOR RESOLUTIONS R-90-355 AND R-90-356 (PETITION 89-76) (MASON INDUSTRIAL) OF DUNCAN WILLIAM ARMINELLI AND STANLEY ALLEN MASON, PROPERTY OWNER-PETITIONER, TO AMEND CONDITIONS OF APPROVAL IN R-90-356 AND APPROVE A TIME EXTENSION UNTIL FEBRUARY 9, 2004, TO COMMENCE DEVELOPMENT ON THE 2.0-ACRE PROPERTY LOCATED 0.3 MILE WEST OF BOUTWELL ROAD ON THE NORTH SIDE OF 2ND AVENUE NORTH. ADOPTED WITH CONDITIONS 4-4-2002

3.D.18.

PETITION 97-71

STATUS REPORT SR 1997-071 FOR RESOLUTION R-98-125 (PETITION 97-71) (HAGEN & BOYNTON OFFICE), THE PETITION OF ORIOLE HOMES CORPORATION (PROPERTY OWNER: ANSCA OFFICE BUILDING, LTD.), TO APPROVE A TIME EXTENSION UNTIL JANUARY 29, 2003, FOR R-98-125 FOR THE 4.24-ACRE PROPERTY LOCATED 0.4 MILE WEST OF HAGEN RANCH ROAD ON THE NORTH SIDE OF BOYNTON BEACH BOULEVARD. APPROVED 4-4-2002

3.D.19.

PETITION 97-86

STATUS REPORT SR 1997-086 FOR RESOLUTION R-98-121 (PETITION 97-86) (ADDISON CENTRE), THE PETITION OF LINTON JOG ASSOCIATES, INC. (PROPERTY OWNER: LINTON JOG ASSOCIATES, LTD.), TO APPROVE A TIME EXTENSION UNTIL JANUARY 29, 2004, FOR R-98-121 FOR THE 7.93-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND LINTON BOULEVARD. APPROVED 4-4-2002

CONSENT AGENDA- CONTINUED

3.D.20.

**RESOLUTION R-2002-0498
(AMENDS R-99-99)**

RESOLUTION FOR STATUS REPORT SR 1998-062 FOR RESOLUTION R-99-99 (PETITION 98-62) (WEITZ AND SPARLING), THE PETITION OF PIKE INVESTMENTS, INC., AND CAPITAL RESOURCES GROUP, INC. (PROPERTY OWNER: PIKE INVESTMENTS, INC.), TO AMEND THE VOLUNTARY COMMITMENTS IN R-99-99 AND APPROVE A TIME EXTENSION TO JANUARY 28, 2003, TO COMMENCE DEVELOPMENT ON THE 10.00-ACRE PROPERTY LOCATED 1,000 FEET EAST OF PIKE ROAD ON THE NORTH SIDE OF 7TH PLACE NORTH. ADOPTED WITH VOLUNTARY COMMITMENTS 4-4-2002

3.E. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS

3.E.21.

PETITION 95-91

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR-2002-002 FOR PETITION DOA95-91(A) (OKEECHOBEE SERVICE STATION) OF BRUCE FREY, BY DAVID L. CARPENTER & ASSOCIATES, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN FOR A 0.69-ACRE PROPERTY LOCATED IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST. APPROVED 4-4-2002

3.E.22.

PETITION 95-91

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR-2002-003 FOR PETITION CB95-91(A) (OKEECHOBEE SERVICE STATION) OF BRUCE FREY, BY DAVID L. CARPENTER & ASSOCIATES, AGENT, FOR A CLASS B CONDITIONAL USE TO ADD A CAR WASH FACILITY ON A 0.69-ACRE PROPERTY LOCATED IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST. APPROVED 4-4-2002

**3.F. ADMINISTRATIVE INQUIRY - PROPERTY AND REAL ESTATE
MANAGEMENT**

3.F.23.

ADMINISTRATIVE INQUIRY AI-2002-01

ADMINISTRATIVE INQUIRY AI-2002-01 FOR PETITION 96-31 OF TAHERI PLANNED UNIT DEVELOPMENT (PUD), LOCATED ON THE EAST SIDE OF JOG ROAD JUST SOUTH OF BELVEDERE ROAD, TO APPROVE A 1.87-ACRE CIVIC SITE CASH-OUT FOR \$145,592 AND TO USE THIS MONEY TO PURCHASE ADDITIONAL CIVIC SITE ACREAGE IN THE JOHNSON PUD DIRECTLY OPPOSITE THE TAHERI PUD. APPROVED 4-4-2002

3.G. CORRECTIVE RESOLUTION

3.G.24.

**RESOLUTION R-2002-0499
(AMENDS R-2002-0291)**

RESOLUTION TO CORRECT THE FIFTH WHEREAS CLAUSE OF RESOLUTION R-2002-0291 FOR PETITION TDR2001-029 OF COLONY CLUB APARTMENTS, A PLANNED UNIT DEVELOPMENT LOCATED 500 FEET SOUTH OF HYPOLUXO ROAD ON THE EAST SIDE OF MILITARY TRAIL. ADOPTED 4-4-2002

CONSENT AGENDA - CONTINUED

3.H. TDR CONTRACT, ESCROW AGREEMENT, AND DEED

3.H.25.

a. DOCUMENT R-2002-0500

CONTRACT WITH HOLIDAY MANAGEMENT ASSOCIATES FOR THE SALE AND PURCHASE OF 95 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS AT A PURCHASE PRICE OF \$10,399 PER UNIT FOR A TOTAL PRICE OF \$987,905. (PETITION PDD/TDR2001-029 [COLONY CLUB APARTMENTS PLANNED UNIT DEVELOPMENT]) APPROVED 4-4-2002

b. DOCUMENT R-2002-0501

ESCROW AGREEMENT WITH HOLIDAY MANAGEMENT ASSOCIATES AND HARRY L. SEATON, ESCROW AGENT, FOR THE SALE AND PURCHASE OF 95 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS. (PETITION PDD/TDR2001-029 [COLONY CLUB APARTMENTS PLANNED UNIT DEVELOPMENT]) APPROVED 4-4-2002

3.H.26. DOCUMENT R-2002-0502

DEED CONVEYING 95 TRANSFER OF DEVELOPMENT RIGHTS (TDR) TO HOLIDAY MANAGEMENT ASSOCIATES. (PETITION PDD/TDR2001-029 [COLONY CLUB APARTMENTS PLANNED UNIT DEVELOPMENT]) APPROVED 4-4-2002

(CLERK'S NOTE: At this time, discussion took place on item 3.B.7.; see page 4.)

4. REGULAR AGENDA

4.A. ITEMS PULLED FROM CONSENT

3.C.9. RESOLUTION R-2002-0503

RESOLUTION FOR PETITION Z/COZ2001-075 (NORTHLAKE POST OFFICE) OF THE U.S. POSTAL SERVICE, BY KILDAY & ASSOCIATES, AGENT, FOR A ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO PUBLIC OWNERSHIP (PO) WITH A CONDITIONAL OVERLAY ZONE (COZ) FOR THE 11.25-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NORTHLAKE BOULEVARD AND COCONUT BOULEVARD. (P.O.P. 6029562 AND 6106304) ADOPTED WITH CONDITIONS AS AMENDED 4-4-2002

REGULAR AGENDA - CONTINUED

3.C.9. - CONTINUED

PUBLIC COMMENT:

Penny Riccio, member of the Acreage Landowners Association board of directors, made the following requests:

- Use green or black vinyl-coated cyclone fencing around the secured area.
- Direct lighting away from homes and the conservation area.
- Require the proposed conservation easement on the perimeter of the conservation area to be a berm at least three feet in height in order to protect wildlife in that area.
- Keep Coconut Boulevard from 88th Street South to Orange Boulevard a rural two-lane roadway.
- Name the post office The Acreage Grassy Waters Post Office, instead of Northlake Post Office.

Collene Walter, agent, responded to Ms. Riccio's requests:

- She recommended a new condition I.5 to require green or black vinyl-coated chain link fencing, the type of fencing used by the U.S. Postal Service.
- Conditions K.1 through K.3 satisfy Ms. Riccio's lighting request.
- The South Florida Water Management District permit includes a one-foot-high berm in the transition zone, which translates into an equivalent three-foot-high berm on the conservation side but a one-foot-high berm on the driveway side because of a change in grade.
- The U.S. Postal Service will not require any further expansions or widening of Coconut Boulevard.

Marilyn Davis, facility engineer for the U.S. Postal Service in the central Florida district, said the proposed post office lies under the control of the postmaster of West Palm Beach. The postmaster is aware of the controversy surrounding the name of the new post office but has not yet made a decision on the matter. One option he is considering is to hold a community naming contest once the building is under construction.

Zoning Director Whiteford said requested condition I.5 would be added. (It became condition C.2 in final resolution.)

MOTION to adopt a resolution approving the zoning map amendment from AR to PO with a COZ, subject to conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

REGULAR AGENDA -CONTINUED

3.C.11.

RESOLUTION R-2002-0504

RESOLUTION FOR PETITION PDD2001-053 (MILITARY MELALEUCA MUPD) OF BOOS DEVELOPMENT GROUP INC., BY KILDAY & ASSOCIATES, AGENT, FOR A ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR), GENERAL COMMERCIAL (CG), AND PLANNED COMMERCIAL DEVELOPMENT (PCD) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH TWO FAST FOOD RESTAURANTS AS REQUESTED USES ON THE 15.16-ACRE PROPERTY LOCATED 200 FEET SOUTH OF MELALEUCA LANE ON THE WEST SIDE OF MILITARY TRAIL. (P.O.P. 6029562 AND 6106304) ADOPTED WITH CONDITIONS AS AMENDED 4-4-2002

(CLERK'S NOTE: The amendments to the agenda sheet contained amendments to conditions G.1, G.2 [now H.1], G.3 [now H.2], and H.3.)

PUBLIC COMMENT:

Todd G. Messenger, agent for Margaret Siemon, requested that the land to the west of the project be protected by a 10-yard buffer and minimum 6-foot-high wall the entire length between Melaleuca Lane and the natural preserve area. He noted that the staff report stated this area would consist of a wall, 3-foot-high berm, and upgraded plant materials but did not state whether the wall would extend the whole length. Collene Walter, agent, responded to the speaker.

Commissioner Roberts recommended that the 2-foot-high hedge consist of a fast-growing native material in order to provide the protection sought by Ms. Siemon. Commissioner Marcus recommended a material that would grow thick and high. Ms. Walter said that while a 24-inch-high hedge was minimum, the petitioner would have no problem agreeing to a 30- to 36-inch-high hedge. She pointed out that this would be placed atop a berm, thus adding to the height.

MOTION to adopt a resolution approving the zoning map amendment from AR, CG, and PCD to MUPD with two fast food restaurants as requested uses, subject to conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

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

4.B.27.

**ORDINANCE 2002-010
(AMENDS ORDINANCE 89-17)**

ORDINANCE AMENDING THE COMPREHENSIVE PLAN (ORDINANCE 89-17), AS AMENDED, BY APPROVING APPLICATION 2001-SCA 26 COM 1 (PGA/ELLISON WILSON, AKA HATTIES LANDING) OF CHRISTOPHER S. DOYLE, BY JOSEPH J. VERDONE, AGENT, TO AMEND LAND USE FROM HIGH RESIDENTIAL, 12 UNITS PER ACRE (HR-12) TO COMMERCIAL HIGH WITH AN UNDERLYING 12 UNITS PER ACRE (CH/12) ON THE 2.22-ACRE PROPERTY LOCATED 186 FEET SOUTH OF PGA BOULEVARD ON THE WEST SIDE OF ELLISON WILSON ROAD. (P.O.P. 337687 [1-3-2002] AND 6124066) ADOPTED WITH CONDITION 4-4-2002

REGULAR AGENDA - CONTINUED

4.B.28.

a. RESOLUTION R-2002-0505

RESOLUTION FOR PETITION PDD84-159(B) (HATTIES LANDING) OF CHRISTOPHER S. DOYLE, BY JOSEPH J. VERDONE, AGENT, FOR A ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) ON 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]) ADOPTED WITH DIRECTION 4-4-2002

**b. RESOLUTION R-2002-0506
(AMENDS R-85-569, R-85-570, R-86-324, R-86-325, AND R-87-17)**

RESOLUTION FOR PETITION DOA84-159(B) (HATTIES LANDING) OF CHRISTOPHER S. DOYLE, BY JOSEPH J. VERDONE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT 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]) ADOPTED WITH CONDITIONS AS AMENDED AND WITH DIRECTION 4-4-2002

Planner Tonya A. Deal said that four letters of opposition had been received from nearby property owners.

Senior Planner Maryann Kwok discussed the noise and traffic concerns of the Pirates Cove residents. Ms. Kwok replaced “public holidays” with “legal holidays” in condition R.1.

(CLERK’S NOTE: The amendments to the agenda sheet contained amendments to conditions K.6, R.8, and R.9.)

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

Gary Brandenburg, agent, agreed to the conditions and distributed a letter responding to a letter of objection of James A. Brindell, an aerial showing the location of Pirates Cove in relation to the project, and a map with corresponding photographs showing different perspectives on the property. Additional representatives addressed the board: Rob Rennenbaum, project traffic engineer; Deborah Nichols, architect, who distributed a wharfside elevation, north-south section, and south elevation; and Jon E. Schmidt, landscape architect, who distributed a site plan, regulating plan, and conceptual floor plans.

PUBLIC COMMENT:

James A. Brindell, agent for about 60 property owners, detailed several concerns about commercial expansion.

Miles Glazer, agent for two communities, said that most residents of the two communities, including those within 500 feet of the project, had not been notified about the project. A poll of the communities indicated that no one was in support of a zoning change. He detailed material mistakes of fact that he contended were presented in a Zoning Commission hearing as well as problems he had had with the petitioner’s agent.

REGULAR AGENDA - CONTINUED

4.B.27. AND 4.B.28. - CONTINUED

Commissioner Newell emphasized that the petitioner would be in violation of code if his noise level exceeded 60 decibels at a resident's property line. The petitioner would also be in violation if he brought in more tables or chairs than allowed. Complaining residents should contact the Code Enforcement Division or Commissioner Marcus's office for a Code Enforcement officer to make an onsite inspection. The petitioner could be cited, fined, and ultimately shut down, he said.

Board disclosure was given at this time.

Commissioner Marcus proposed the following:

- Adding saw palmetto along all the landscaped sides within the landscape median. The agent agreed.
- Conditioning the retail portion of the project to marine-related or nautical uses or art. The agent agreed.

Mr. Whiteford said conditions would be added that gave a "more native, beach-y" look to the landscaping, intermixed saw palmetto and sea grape, limited the retail uses, and made permanent the current 17 slips and allowed transient dockage only in the area of the water taxi.

Commissioner Masilotti made the following requests:

- That staff provide Dr. Glazer with a copy of the resident notification list.

Commissioner Newell later asked that a copy be sent to the commissioners as well.

- That a condition be added prohibiting a public address system and outdoor speakers.

Commissioner Aaronson cautioned that "art" could be construed in different ways, and in this instance, the uses should be congenial to the neighbors.

Commissioner Marcus recalled that it was originally discussed to have the building consist of retail/residential uses, which was not now allowed by code. She noted that next week, the board would be changing the Comprehensive Plan to allow such a use and would later be similarly changing the Unified Land Development Code (ULDC). Ms. Marcus said that the residents would prefer this mix as would she. Accordingly, she requested a condition allowing the petitioner to convert to a residential use after the ULDC change. Mr. Whiteford suggested the following condition: "In the event the ULDC is amended to allow residential uses within an MUPD [multiple use planned development], the petitioner may be allowed to convert the second- and third-floor office space to a maximum of 20 units or work loft apartments administratively by the DRC [Development Review Committee] in accordance with the amendments to the code." The agent agreed.

Mr. Whiteford said that many graphics were presented today and staff needed, for the record, reduced color versions of any missing graphics.

(CLERK'S NOTE: The Minutes Division asked for copies as well.)

REGULAR AGENDA - CONTINUED

4.B.27. AND 4.B.28. - CONTINUED

Engineering Assistant Choban read the following amendment to condition E.12: "The property owner shall construct a right turn lane north approach on Ellison Wilson and a right turn lane west approach on PGA at Ellison Wilson."

MOTION to adopt an ordinance approving the future land use change from HR-12 to CH/12. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 7-0.

Senior Planner Jim Bell pointed out that the ordinance was subject to a condition.

MOTION to adopt a resolution approving the zoning map amendment from RM to MUPD. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 7-0.

AMENDMENT to the motion that adopted the ordinance to include the one condition noted by Mr. Bell. The maker and seconder agreed. Upon call for a vote, the motion carried 7-0.

MOTION to adopt a resolution approving the development order amendment to add land area and square footage, subject to conditions as amended. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 7-0.

Commissioner Marcus asked that the applicant work to alleviate the noise-level problem, perhaps changing the type of music played.

Commissioner Newell asked Code Enforcement Director Terry Verner to distribute his card to the residents.

RECESS

At 11:18 a.m., the chair declared a brief recess.

RECONVENE

At 11:26 a.m., the board reconvened with Commissioners Aaronson, Greene, McCarty, Marcus, Masilotti, Newell, and Roberts present.

4.C. TOWER WAIVER

**4.C.29. RESOLUTION R-2002-0507
(AMENDS R-86-573-25)**

RESOLUTION FOR PETITION W86-11(A) (VILLAGE CORNER STORES) OF VILLAGE CORNER STORES, BY GEOFFREY B. SLUGGETT, AGENT, TO ALLOW WAIVERS FOR SEPARATION OF A COMMUNICATION TOWER FROM RESIDENTIAL STRUCTURES FOR THE 2.5-ACRE PROPERTY LOCATED 1.0 MILE WEST OF MILITARY TRAIL ON THE NORTH SIDE OF SOUTHWEST 18TH STREET. (P.O.P. 6106606) ADOPTED WITH CONDITIONS AS AMENDED 4-4-2002

(CLERK'S NOTE: Amendments to conditions B.1, C.3, G.4, H.1.a, H.1.b, K.2, and M.3 were given on the amendments to the agenda sheet.)

REGULAR AGENDA - CONTINUED

4.C.29. - CONTINUED

Senior Planner Kwok stated that at time of publication, staff had received 6 letters in support and 24 letters in opposition. Following publication of the staff report, staff received additional letters and signatures in opposition, mainly from homeowner associations of Boca Del Mar, including 37 signatures from La Joya, 10 from Colony Club, 95 from Isles of Boca, 25 from Golf Vista, and 33 from La Vida--200 in all. A letter was also received from the president of the board of directors of Isles of Boca Condominium Section II indicating support of the tower but expressing noise abatement concerns.

Geoffrey B. Sluggett, agent, offered for the record 10 letters of support.

MOTION to receive and file the letters of support. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 7-0.

Mr. Sluggett submitted an economic impact study prepared by Callaway & Price, real estate appraisers and consultants.

MOTION to receive and file the study. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 7-0.

Commissioner McCarty introduced into the record a breakdown of 216 petition signatures --200 in opposition, 16 in support--and other letters she had received.

MOTION to receive and file the letters and petitions. Motion by Commissioner McCarty, seconded by Commissioner Masilotti, and carried 7-0.

Daniel P. Hrabko, principal with Callaway & Price, addressed the board concerning the economic impact study he had prepared.

PUBLIC COMMENT:

Ronald Landy; Mike Misunas, president of Isles of Boca Homeowners Association; and Rick Taggesell opposed the petition. Concerns included health risks posed by continual exposure to tower emissions, inconsistency of height between tower and neighborhood structures, tower incompatibility with residential neighborhood, and insufficient setbacks.

Grant Smith supported the petition.

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

Michael A. Rodríguez, agent for Isles of Boca Homeowners Association (HOA), opposed the petition, discussing the injuriousness of inadequate setbacks to neighboring properties, the tower's incompatibility with the neighborhood, and the question of whether the petitioner had considered alternate sites (as opposed to other antenna towers) in the area. He requested a postponement for the HOA to retain their own experts to review the economic impact study.

Paul McDermott, president of the board of directors of Boca Del Mar Improvement Association, urged approval of the waivers. Donald R. Gonzalez, who did not speak, supported the petition.

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

REGULAR AGENDA - CONTINUED

4.C.29. - CONTINUED

Commissioner Aaronson suggested a 30-day postponement because many persons observing Passover could not be present for today's hearing.

MOTION to POSTPONE the item for 30 days. Motion by Commissioner Aaronson and seconded by Commissioner McCarty.

Board disclosure was given at this time.

Commissioner McCarty said that since the residents do not want the tower, a 30-day postponement would only prolong the board's decision on approving the waivers or not.

SECOND WITHDRAWN.

MOTION DIED FOR LACK OF SECOND.

MOTION to adopt a resolution approving the waivers to reduce the separation distance from the communication tower to residential structures. Motion by Commissioner McCarty and seconded by Commissioner Aaronson.

Commissioner Aaronson explained that he also wanted a postponement because the engineer had not been certain of his facts and because he wanted a review of whether the Sprint tower in Veterans Park met all distance criteria and whether it helped the Boca Del Mar area.

SECOND WITHDRAWN.

MOTION DIED FOR LACK OF SECOND.

MOTION to POSTPONE the item for 30 days in order to hire an unbiased, qualified engineer to study this matter and give a report. Motion by Commissioner Aaronson and seconded by Commissioner Greene.

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

Commissioner Newell objected to hiring an engineer to review the report of the engineer previously hired.

Commissioner Aaronson said the tower in Veterans Park had not been analyzed by the engineer.

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

MOTION to adopt a resolution approving the waivers to reduce the separation distance from the communication tower to residential structures. Motion by Commissioner McCarty.

Commissioner Newell passed the gavel to Commissioner Aaronson.

MOTION seconded by Commissioner Newell. Upon call for a vote, the motion FAILED 2-2. Commissioners Aaronson and Greene opposed. Commissioners Marcus, Masilotti, and Roberts absent.

REGULAR AGENDA - CONTINUED

4.C.29. - CONTINUED

Commissioner Newell stated that discussion of the item would continue at 2:00 p.m.

RECESS

At 12:42 p.m., the chair declared a brief recess.

RECONVENE

At 2:05 p.m., the board reconvened with Commissioners Aaronson, Greene, McCarty, Newell, and Roberts present.

REGULAR AGENDA - CONTINUED

4.C.29. - CONTINUED

MOTION to adopt a resolution approving the waivers to reduce the separation distance from the communication tower to residential structures with conditions as amended. Motion by Commissioner Greene, seconded by Commissioner McCarty, and carried 4-1. Commissioner Aaronson opposed. Commissioners Marcus and Masilotti absent.

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

4.D. SMALL SCALE AMENDMENT AND ZONING PETITION

**4.D.30. ORDINANCE 2002-011
(AMENDS ORDINANCE 89-17)**

ORDINANCE AMENDING THE COMPREHENSIVE PLAN (ORDINANCE 89-17), AS AMENDED: APPROVING APPLICATION 2001-SCA 69 COM 1 (WELLINGTON MULTIPLE USE PLANNED DEVELOPMENT [MUPD]) OF WELLINGTON STORAGE PARTNERS, BY GEOFFREY B. SLUGGETT, AGENT, TO AMEND LAND USE FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL HIGH (CH) ON THE 7.06-ACRE PROPERTY LOCATED 0.5 MILE NORTH OF FOREST HILL BOULEVARD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 6124066) ADOPTED WITH CONDITION 4-4-2002

4.D.31. RESOLUTION R-2002-0508

RESOLUTION FOR PETITION PDD2001-028 (WELLINGTON MUPD) OF WELLINGTON STORAGE PARTNERS, BY GEOFFREY B. SLUGGETT, AGENT, FOR A ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH A SELF-SERVICE STORAGE FACILITY AS A REQUESTED USE ON THE 7.08-ACRE PROPERTY LOCATED 0.5 MILE NORTH OF FOREST HILL BOULEVARD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 6029562 AND 6106304) ADOPTED WITH CONDITIONS AS AMENDED AND WITH DIRECTION 4-4-2002

Commissioner Masilotti requested a condition of approval prohibiting outdoor entertainment. Geoffrey B. Sluggett, agent, agreed.

REGULAR AGENDA - CONTINUED

4.D.30. AND 4.D.31. - CONTINUED

Mr. Sluggett confirmed Commissioner Masilotti's comment that the petitioner had agreed to plant trees across State Road 7 (U.S. 441) at Stonehaven planned unit development. The agent, in discussion with Mr. Masilotti, agreed to deposit \$10,000 in an escrow account for the residents' use in planting one canopy tree for each lot abutting State Road 7, not exceeding 23 trees. Mr. Sluggett suggested that if the residents could not use the money for that purpose, they could use it for another offsite improvement. Commissioner Masilotti agreed.

PUBLIC COMMENT:

Lynn Maleck suggested a 30-day postponement because of insufficient notification and offered a petition signed by 93 persons in opposition to the project.

George Maleck confirmed insufficient notification and asked for a definition of "quality restaurant."

Commissioner Newell read the comment cards of Elke McBride and Rebecca Maleck who expressed opposition to the project, contended insufficient notification, and requested a postponement for the residents to reach an agreement with the petitioner.

MOTION to receive and file the petition submitted by Lynn Maleck. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 5-0. Commissioners Aaronson and Marcus absent.

J.D. McBride asserted the storage facility would depress property values and the restaurant would increase traffic on a traffic-laden six-lane road. Without a traffic signal, drivers would make an illegal left-turn from the project or a U-turn at Forest Hill Boulevard, thus increasing the possibility of traffic accidents. Two entrances would diminish this possibility, he said.

Commissioner Masilotti informed the speaker that State Road 7 was to be widened to eight lanes. If the traffic situation became hazardous, he said, the county could speak with the Florida Department of Transportation about creating a median cut.

Mr. McBride supported a 30-day postponement for Stonehaven residents to meet with the association and builder.

Mr. Sluggett agreed to fund 50 percent of the cost of installation of a traffic signal if warranted.

Mr. Sluggett displayed a rendering of the facility. Zoning Director Whiteford noted that the roofline on the elevation, which he was seeing for the first time, would need modifications to comply with architectural guidelines. He then read the following proposed landscaping condition:

Prior to site plan approval by the DRC [Development Review Committee], the petitioner shall deposit funds (up to \$10,000) into an escrow account for use by the Stonehaven HOA [Homeowners Association] to cover the costs of installing 23 14-foot native canopy trees along State Road 7.

Mr. Sluggett agreed to the condition.

REGULAR AGENDA - CONTINUED

4.D.30. AND 4.D.31. - CONTINUED

Engineering Assistant Choban said a condition would be added requiring the installation of a traffic signal if and when warranted and including associated directional median work. Land Development Director Rogers clarified the condition would be limited to 12 months after Stonehaven's last certificate of occupancy.

Commissioner Masilotti asked that a copy of the elevation be made part of the public record. Mr. Sluggett said it would be provided.

(CLERK'S NOTE: A copy has not been provided to the Minutes Division.)

MOTION to adopt an ordinance approving the future land use change from LR-2 to CH, subject to one condition. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 5-0. Commissioners Aaronson and Marcus absent.

Responding to a question by Commissioner Masilotti, Mr. Sluggett defined a quality restaurant as a sit-down restaurant that allowed no takeout food. Mr. Rogers clarified that restaurant definitions were established in the Institute of Transportation Engineers Handbook according to traffic generation. These definitions were the national standard, he said.

MOTION to adopt a resolution approving the zoning map amendment from AR to MUPD with a self-service storage facility as a requested use, subject to the conditions as amended. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Aaronson and Marcus absent.

4.E. PREVIOUSLY POSTPONED ZONING PETITIONS

4.E.32.

a. RESOLUTION R-2002-0509

RESOLUTION FOR PETITION Z2001-017 (10TH AVENUE/BOUTWELL AMOCO) OF BP AMOCO, BY NICK NICHOLS, AGENT, FOR A ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) (HR) 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]) ADOPTED WITH DIRECTION 4-4-2002

b. RESOLUTION R-2002-0510

RESOLUTION FOR PETITION CA2001-017 (10TH AVENUE/BOUTWELL AMOCO) OF BP AMOCO, BY NICK NICHOLS, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH GAS 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]) ADOPTED WITH CONDITIONS AS AMENDED AND WITH DIRECTION 4-4-2002

(CLERK'S NOTE: Condition C.6 was modified oin the amendments to the agenda sheet.)

REGULAR AGENDA - CONTINUED

4.E.32. - CONTINUED

Principal Planner David Flinchum said revised exhibits had been received the preceding week in booklet form.

(CLERK'S NOTE: The booklet was not provided to the Minutes Division.)

Mr. Flinchum said that conditions would be revised to reflect dates corrected after backup distribution.

Mr. Flinchum said the Engineering department needed another two feet of right-of-way on 10th Avenue North to give the right-turn lane grass strips separating the curb edging from the sidewalk edge. Staff would revise the buffer width on 10th Avenue North from 17 to 15 feet to accommodate that request, he said.

Linda Harris, agent, requested the following condition modifications:

- Condition C.1: Change from "January 24, 2002" to "March 28, 2002."
- Condition C.6: Change from "design concepts developed by the Treasure Coast Regional Planning Council" to wording reflecting design concepts in the petitioner's March 28, 2002, rendering.
- Condition D.1: Change from "5 pumps (maximum 10 fueling stations)" to "6 pumps (maximum 12 fueling stations)."
- Condition D.3: Change from "5 pumps (maximum 10 fueling stations)" to "6 pumps (maximum 12 fueling stations)."
- Relocate sign from 10th Avenue North and Boutwell Avenue to the project's entrance on 10th Avenue North.

Zoning Director Whiteford said that the roofed, pavilion-like architectural element at the corner would need modifications to qualify for a setback exemption. Arbors, trellises, fountains, and certain signs would qualify, he said. Commissioner Roberts suggested creating a trellis of bougainvillea on the element as well as a condition that a staff-approved sign advertising the Lake Worth Park of Commerce would have to meet requirements in order to qualify for a setback exemption. Ms. Harris said there were several problems attendant to having running water onsite. Ms. Roberts deleted fountains. Ms. Harris agreed.

Mr. Flinchum suggested continuing the wall approximately 120 feet from its present measurement in order to screen the canopy. After discussion, Commissioner Roberts suggesting continuing the wall another 30 feet down 10th Avenue North. Ms. Harris agreed.

Commissioner Newell made the following recommendations:

- The entrance sign should reference "Lake Worth Park of Commerce," not "City of Lake Worth Park of Commerce."
- What has been accomplished on the west side of the BP Amoco property should be mirrored on the east side with the future Citgo property.

PUBLIC COMMENT: None

REGULAR AGENDA - CONTINUED

4.E.32. - CONTINUED

MOTION to adopt a resolution approving the zoning map amendment from HR to CG. Motion by Commissioner Roberts and seconded by Commissioner Masilotti.

Commissioner Newell cautioned that the zoning map amendment could not be approved if there were any code violations on the site. Ms. Harris recalled that BP Amoco had committed at the last hearing that if this project was approved, they would, after buying the property, immediately file for a demolition permit to remove the offending onsite buildings. Commissioner Roberts suggested that this be included in a condition. Commissioner Masilotti suggested adding that permit application be done within 30 days of closing. Ms. Harris agreed.

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

MOTION to adopt a resolution approving the class a conditional use to allow a convenience store with gas sales. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Aaronson and Marcus absent.

Commissioner Newell asked that after the project is completed, photographs be brought back to the board for comparison with the rendering now in place.

Planning, Zoning and Building Executive Director Barbara Alterman said the site would be monitored for debris.

4.E.33.

**a. RESOLUTION R-2002-0511
(AMENDS R-98-410 AND R-2001-1674)**

RESOLUTION FOR PETITION DOA95-22(B) (ARRIGO DODGE) OF CHRYSLER REALTY CORPORATION, BY KIM GLAS-CASTRO AND BONNIE MISKEL, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT 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 [1-31-2002]) ADOPTED WITH CONDITIONS AS AMENDED 4-4-2002

b. RESOLUTION R-2002-0512

RESOLUTION FOR PETITION 95-22(B) (ARRIGO DODGE) OF CHRYSLER REALTY CORPORATION, BY KIM GLAS-CASTRO AND BONNIE MISKEL, AGENT, FOR DEVIATIONS FROM THE ARCHITECTURAL GUIDELINES FOR THE EXISTING PORTION OF THE SERVICE CENTER. ADOPTED 4-4-2002

MOTION to adopt a resolution approving the development order amendment to reconfigure the site plan, delete square footage, modify/delete conditions of approval, and add general repair and maintenance as a requested use. Motion by Commissioner Masilotti and seconded by Commissioner Roberts.

REGULAR AGENDA - CONTINUED

4.E.33. - CONTINUED

The board explored possible remedies to the requirement that no additional building permits would be issued until the commencement of the eight-lane cross section of Okeechobee Boulevard (Benoist Farms Road to Florida Turnpike) or until the adoption of a constrained roadway at a lower level of service (CRALLS) designation for that cross section, whichever shall first occur.

MOTION WITHDRAWN.

Discussion continued at length on the issue, factoring in two proposed Comprehensive Plan amendments--Okeechobee Boulevard East CRALLS and Okeechobee Boulevard West CRALLS--scheduled for transmittal consideration on Monday, October 8.

Bonnie Miskel, agent, requested temporary storage from November 2003 until the issuance of a certificate of occupancy for the expanded area. She also asked if the county would agree to let the petitioner process and go through permitting but not issue a permit until the effective date of the CRALLS, to be transmitted April 8, 2002. It was decided that while the applicant was renovating the interior of the facility, he could, after Development Review Committee (DRC) approval, proceed with the application for other building permits and be issued a temporary storage permit as long as it was shown on the DRC approval as part of the site plan application. Planning, Zoning and Building Executive Director Alterman suggested avoiding some temporary storage by issuing a foundation permit and by staff working with the petitioner.

MOTION to adopt a resolution approving the development order amendment to reconfigure the site plan, delete square footage, modify/delete conditions of approval, and add general repair and maintenance as a requested use. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 5-0. Commissioners Aaronson and Marcus absent.

MOTION to adopt a resolution approving deviations from the architectural guidelines for the existing portion of the service center. Motion by Commissioner Masilotti and seconded by Commissioner Greene.

Zoning Director Whiteford clarified that the deviations would also apply to a portion of the new construction. The number of bay doors did not justify the recesses and projections on the façade, he said. Commissioner Masilotti pointed out that new construction was not part of the motion on the agenda. Mr. Whiteford said the motion did not go as far as it should have.

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

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR

5.A.34.

UPDATE ON THE MANAGED GROWTH TIER SYSTEM (MGTS) CODE REVISIONS. DISCUSSED 4-4-2002

Zoning Director Whiteford commented that the memorandum in the backup outlined the status of the project. He said that James Duncan and Associates, Inc., was no longer working on the project and that staff had renegotiated a contract with a subconsultant headquartered in California (i.e., Dyett & Bhatia, Inc., as well as Icard, Merrill, Cullis, Timm, Furen & Ginsburg and Pat Bidol-Padva). Mr. Whiteford said he anticipated bringing the revised contract to the board on April 16, 2002. He added that because of this development, adoption of the revisions would probably now take place in the first quarter of 2003.

5.A.35.

UPDATE ON REAL ESTATE SALES OFFICES IN PLANNED UNIT DEVELOPMENTS. DISCUSSED 4-4-2002

Zoning Director Whiteford reported that the Citizens Task Force (CTF) met this afternoon to discuss this issue and that he did not know what they had decided. He would report fully on the matter next month, he said.

No backup provided.

(CLERK'S NOTE: Board disclosure on items 4.E.33. and 4.E.32. was given at this time; see pages 20-21 and 18-20, respectively.)

6. COMMISSIONER COMMENTS - None

7. ADJOURNMENT

The chair declared the meeting adjourned at 4:18 p.m.

ATTESTED:

APPROVED:

Clerk

Chair