

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 April 24, 2003, 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 Karen T. Marcus - Absent
Vice-Chair Tony Masilotti - Arrived later
Commissioner Burt Aaronson
Commissioner Addie L. Greene
Commissioner Jeff Koons
Commissioner Mary McCarty
Commissioner Warren H. Newell
Assistant County Attorney Robert P. Banks
Deputy Clerk Joan Haverly

1.B.1. INVOCATION - Commissioner McCarty

1.B.2. PLEDGE OF ALLEGIANCE

1.C. REMARKS OF THE CHAIR

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and amendments to the Palm Beach County Unified Land Development Code, and the recommendations of the Land Use Advisory Board, Citizens Task Force, Land Development Regulation Commission, and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on April 24, 2003, 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 4-24-2003

MOTION to receive and file proofs of publication 7062392 and 7128625. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 5-0. Commissioners Marcus and Masilotti absent.

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 6657076, 6694769, and 6715417 [12-9-2002] and 6981413 and 6981447 [3-27-2003].)

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.F. ADOPTION OF AGENDA

Zoning Director William C. Whiteford clarified that the motion to adopt the agenda would be subject to revisions on the amendments to the agenda sheet.

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
5	4.D.18.	Supertrail Manufacturing Company, Inc. v. Palm Beach County, Florida - Order resolving adversary proceeding (Bayhill Estates, aka Stonewal Estates): Add as first item on regular agenda.
5	4.B.11.	Petition PDD2002-020 - Bernard Haas PUD: Amend conditions.
5	4.C.12.	Petition PDD2002-065 - Hagen Assemblage PUD: Amend conditions.
6	4.C.13.	Petition PDD2002-067 - Fogg Property North PUD: Amend conditions.
6	4.C.14.	Petition PDD2002-068 - Fogg Property Central PUD: Amend conditions.
7	4.C.15.	Petition PDD2002-069 - Fogg Property South PUD: Amend conditions.
7	4.C.16.	Petition DOA97-86(B) - Addison Centre: Move to consent agenda.
8	5.B.17.	Commercial Low Appeal: Withdraw.

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

- 2. POSTPONEMENTS AND WITHDRAWALS - See pages 3-5.**
- 3. CONSENT AGENDA - See pages 5-7.**
- 4. REGULAR AGENDA - See pages 7-12.**
- 5. DIRECTOR COMMENTS - None**
- 6. COMMISSIONER COMMENTS - See pages 12-13.**
- 7. ADJOURNMENT - See page 13.**

REORDER AGENDA

MOTION to reorder agenda to consider item 4.D.18. at this time. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 5-0. Commissioners Marcus and Masilotti absent.

(CLERK'S NOTE: On the amendments to the agenda sheet, item 4.D.18. was added as the first item of the regular agenda.)

4.D.18.

ENTERING IN BANKRUPTCY COURT OF AN ORDER RESOLVING ADVERSARY PROCEEDING (BAYHILL ESTATES, AKA STONEWAL ESTATES): SUPERTRAIL MANUFACTURING COMPANY, INC. V. PALM BEACH COUNTY, FLORIDA. APPROVED 4-24-2003

Assistant County Attorney Banks requested board approval to enter an order resolving adversary proceeding in the matter of Supertrail Manufacturing Company, Inc. v. Palm Beach County, Florida, by a bankruptcy court in a hearing today. He explained that part of Bayhill Estates, aka Stonewal Estates, has been in bankruptcy court for the last 10 years. The stop work order would be filed by Principal Planner Linda Monroe on Monday, April 28, pursuant to Section 5.8 of the Unified Land Development Code, he said.

MOTION to approve entering an order resolving adversary proceeding. Motion by Commissioner McCarty and seconded by Commissioner Koons.

Planning, Zoning and Building Executive Director Barbara Alterman explained that the item would be back for board review in July, assuming no plat was recorded in the meantime.

Mr. Banks added that the county waived nothing by entering this order.

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

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1.

PETITION 2002-037

RESOLUTION FOR PETITION PDD2002-037 (MASTROIANNI MUPD) OF RONALD MASTROIANNI AND DAVID MOSCARELLI, BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT DISTRICT (MUPD) FOR THE 9.15-ACRE PROPERTY LOCATED APPROXIMATELY 330 FEET WEST OF THE FLORIDA TURNPIKE ON THE SOUTH SIDE OF LAKE WORTH ROAD. (P.O.P. 7062392 AND 7128625) APPROVED PETITIONER-REQUESTED POSTPONEMENT TO MAY 22, 2003 -- 4-24-2003

POSTPONEMENTS - CONTINUED

2.A.2.

PETITION 2002-017

RESOLUTION FOR PETITION CA2002-017 (MALLARDS COVE) OF MACKEY DEVELOPMENT, BY H. BURTON SMITH, AGENT, FOR A CLASS A CONDITIONAL USE ALLOWING A VOLUNTARY DENSITY BONUS FOR THE 3.63-ACRE PROPERTY LOCATED APPROXIMATELY 600 FEET WEST OF CENTRAL BOULEVARD ON THE SOUTH SIDE OF JUPITER GARDENS BOULEVARD. (P.O.P. 7062392 AND 7128625) APPROVED PETITIONER-REQUESTED POSTPONEMENT TO MAY 22, 2003 -- 4-24-2003

2.A.3.

PETITION 2001-017

RESOLUTION FOR PETITION EAC2001-017(A) (10TH & BOUTWELL BP) OF BP PRODUCTS NORTH AMERICA INC., BY TIMOTHY BAUER, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION TO MODIFY/DELETE CONDITION OF APPROVAL FOR THE 1.0-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 10TH AVENUE NORTH AND BOUTWELL ROAD. (P.O.P. 6715417 [12-9-2002]) APPROVED PETITIONER-REQUESTED POSTPONEMENT TO MAY 22, 2003 -- 4-24-2003

2.A.4.

PETITION 2002-064

RESOLUTION FOR PETITION Z2002-064 (JOHNSON LINEAR PARK) OF G.B. ENTERPRISES OF SOUTHWEST FLORIDA, BY GEORGE GENTILE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO PUBLIC OWNERSHIP FOR THE 24.25-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE EAST OF JOG ROAD BOUNDED ON THE NORTH AND SOUTH BY BELVEDERE ROAD AND SOUTHERN BOULEVARD. (P.O.P. 6981413 AND 6981447 [3-27-2003]) APPROVED PETITIONER-REQUESTED POSTPONEMENT TO MAY 22, 2003 -- 4-24-2003

2.A.5.

PETITION 2002-0287

RESOLUTION FOR PETITION PDD2002-028 (KELLER MUPD) OF FRED KELLER TRUST, BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM LIGHT INDUSTRIAL TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) TO ALLOW THREE FAST FOOD RESTAURANTS AND A CONVENIENCE STORE WITH GAS SALES AS REQUESTED USES. THE 5.66-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF PIKE ROAD AND SOUTHERN BOULEVARD. (P.O.P. 7062392 AND 7128625) APPROVED PETITIONER-REQUESTED POSTPONEMENT TO JUNE 26, 2003 -- 4-24-2003

2.B. WITHDRAWALS

5.B.17. COMMERCIAL LOW APPEAL

APPEAL BY GAETA DEVELOPMENT CO. OF THE PLANNING DIVISION INTERPRETATION AND LAND USE ADVISORY BOARD (LUAB) DETERMINATION OF THE COMPREHENSIVE PLAN WITH RESPECT TO A COMMERCIAL LOW (CL) FUTURE LAND USE ATLAS DESIGNATION FOR PINE LAKE CAMP RESORT RECREATIONAL VEHICLE PARK, A 13.3-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND SKEES ROAD. THE LAND IS ZONED AGRICULTURAL RESIDENTIAL AND ITS LAND USE DESIGNATION IS COMMERCIAL WITH AN UNDERLYING 5 UNITS PER ACRE (C/5). THE PLANNING DIVISION MADE THE DETERMINATION THAT THE PROPERTY DOES NOT MEET COMPREHENSIVE PLAN POLICY CRITERIA FOR THE APPLICANT-REQUESTED COMMERCIAL HIGH (CH) DETERMINATION AND THAT ITS COMMERCIAL DESIGNATION IS CL UNDER THE APPLICABLE PROVISIONS OF THE COMPREHENSIVE PLAN. THE LUAB VOTED TO UPHOLD THE PLANNING DIVISION'S INTERPRETATION. WITHDRAWN 4-24-2003

Zoning Director Whiteford said that item 5.B.17. would be withdrawn, as was noted on the amendments to the agenda sheet.

PUBLIC COMMENT: None

MOTION to POSTPONE items 2.A.1., 2.A.2., 2.A.3., 2.A.4., and 2.A.5. to the dates indicated and to WITHDRAW item 5.B.17. Motion by Commissioner Koons, seconded by Commissioner McCarty, and carried 5-0. Commissioners Marcus and Masilotti absent.

3. CONSENT AGENDA

PUBLIC COMMENT: None

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

3.A. REQUESTS TO PULL ITEMS FROM CONSENT AGENDA - None

3.B. ZONING PETITIONS

3.B.6. RESOLUTION R -2003-0558

RESOLUTION FOR PETITION CA2002-054 (BETHEL CHURCH OF GOD) OF TREVOR FAIRCLOUGH AND MERNA FAIRCLOUGH, BY KEVIN MCGINLEY, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP ON THE 1.03-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF LUZON AVENUE AND KIRK ROAD. (P.O.P. 7062392 AND 7168625) ADOPTED WITH CONDITIONS 4-24-2003

CONSENT AGENDA - CONTINUED

3.C. PREVIOUSLY POSTPONED STATUS REPORTS

3.C.7. PETITION 89-27

STATUS REPORT SR 1989-27A FOR RESOLUTION R-98-1513 FOR PETITION 89-27(A) (PLANET KIDS IV) OF FELIX FUNDORA, PETITIONER (PROPERTY OWNER: LIMESTONE PRIVATE SCHOOL, INC.), TO APPROVE A TIME EXTENSION UNTIL JANUARY 2, 2005, FOR R-98-1513 AND TO REVOKE CONCURRENCY RESERVATION 98-9000683-C. THE 0.87-ACRE PROPERTY IS LOCATED APPROXIMATELY 147 FEET NORTH OF SOUTHERN BOULEVARD ON THE EAST SIDE OF FIRST STREET AND IS ZONED SINGLE-FAMILY RESIDENTIAL WITH A CLASS A CONDITIONAL USE TO ALLOW A GENERAL DAYCARE. APPROVED 4-24-2003

3.D. STATUS REPORTS

3.D.8. PETITION 94-98

STATUS REPORT SR 1994-98.6 FOR RESOLUTION R-95-1124 FOR PETITION 94-98 (HYPOLUXO CENTER) OF FRANCALBY CORPORATION, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL SEPTEMBER 10, 2003, FOR R-95-1124. THE 2.7-ACRE PROPERTY IS LOCATED APPROXIMATELY 200 FEET EAST OF HIGH RIDGE ROAD ON THE NORTH SIDE OF HYPOLUXO ROAD AND IS ZONED COMMUNITY COMMERCIAL. APPROVED 4-24-2003

3.D.9. PETITION 97-101

STATUS REPORT SR 97-101.2 FOR RESOLUTION R-98-408 FOR PETITION 97-101 (OXLEY NORTHERN PUD) OF POLO REALTY, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL SEPTEMBER 10, 2003, FOR R-98-408. THE 36.95-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.5 MILE NORTH OF CLINT MOORE ROAD ON THE EAST SIDE OF JOG ROAD AND IS ZONED PLANNED UNIT DEVELOPMENT (PUD). APPROVED 4-24-2003

3.E. ADMINISTRATIVE INQUIRY - PREM (PROPERTY AND REAL ESTATE MANAGEMENT)

3.E.10. PETITION 98-41

ADMINISTRATIVE INQUIRY A#2003-01 FOR PETITION 98-41 (PRATT & ORANGE PETITION) (PETITIONER: PALM BEACH COUNTY; PROPERTY OWNER: INDIAN TRAIL IMPROVEMENT DISTRICT) CONCERNING A CASH-OUT ON THE 2.28-ACRE CIVIC SITE LOCATED AT THE NORTHEAST CORNER OF SEMINOLE PRATT WHITNEY ROAD AND 71ST STREET NORTH, 500 FEET NORTH OF ORANGE BOULEVARD. IN LIEU OF PREPARING THE SITE TO BUILDABLE GRADE, THE PETITIONER REQUESTED A CASH-OUT. STAFF RECOMMENDATION IS APPROVAL OF THE CASH-OUT FOR \$7,587. APPROVED 4-24-2003

CONSENT AGENDA - CONTINUED

4.C.16.

- a. **RESOLUTION R-2003-0559
(AMENDS R-98-121)**

RESOLUTION FOR PETITION DOA97-86(B) (ADDISON CENTRE) OF LINTON-JOG ASSOCIATES II, LTD., AND LINTON-JOG ASSOCIATES III, LTD., BY CHARLES W. MILLAR, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE MASTER PLAN FOR THE 9.48-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND LINTON BOULEVARD. (P.O.P. 7062392 AND 7128625) ADOPTED WITH CONDITIONS 4-24-2003

- b. **RESOLUTION R-2003-0560**

RECEIVE AND FILE AMENDED DECLARATION OF RESTRICTIONS BY LINTON-JOG ASSOCIATES II, LTD., LINTON-JOG ASSOCIATES III, LTD., GEORGE OW. JR., DAVID L. OW, TERRY L. OW, AND FIDELITY BANK & TRUST FOR ADDISON CENTRE, A 9.48-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND LINTON BOULEVARD. (P.O.P. 7062392 AND 7128625) ADOPTED 4-24-2003

Zoning Director Whiteford said that this item had been moved to the consent agenda, as was noted on the amendments to the agenda sheet.

4. REGULAR AGENDA

4.D. ADD-ON

4.D.18. See page 3.

4.A. ITEMS PULLED FROM CONSENT AGENDA - None

4.B. PREVIOUSLY POSTPONED ZONING PETITION

- 4.B.11. RESOLUTION R-2003-0561**

RESOLUTION FOR PETITION PDD2002-020 (BERNARD HAAS PUD) OF GEORGE HAAS AND DOROTHY HAAS, BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 47.96-ACRE PROPERTY LOCATED APPROXIMATELY 0.25 MILE SOUTH OF LAKE WORTH ROAD ON THE EAST SIDE OF LYONS ROAD. (P.O.P. 6657076 AND 6694769 [12-9-2002]) ADOPTED WITH CONDITIONS AS AMENDED 4-24-2003

Conditions A.1., E.7., F.2.a., G.2.a., and H.2.a. were revised on the amendments to the agenda sheet.

Staff presentation was given by Planner Joyell Shaw in which she said that staff had received an additional consent form from the petitioner as well as a revised site plan incorporating various buffers, which she then described.

REGULAR AGENDA - CONTINUED

4.B.11. - CONTINUED

Joe Lelonek, agent, explained the site plan changes and requested the following condition modifications:

- Condition G.

Add the caveat that the new 60-foot-wide buffer “would be in all those areas except for the eastern lake.”
- Condition H.
 - Add that the new 60-foot-wide buffer along the east side would be inclusive of a 20-foot-wide bridle trail.
 - Remove the easement encroachment provision from condition H.1.a.

(CLERK’S NOTE: Commissioner Masilotti joined the meeting. He asked Commissioner Newell to continue chairing the meeting through the end of this item.)

- Condition M.3.

Delete.
- Condition M.4.

Delete.

Zoning Director Whiteford said that staff would have to clean up some conditions in order to reference the revised site plan and correct buffer width. Additionally, staff would revise condition C.3 to reference a wall or a fence as an option.

PUBLIC COMMENT:

Michael DuFour supported the petition.

MOTION to adopt a resolution approving the request for a rezoning from AR to residential PUD, subject to conditions as amended. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Marcus absent.

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

Board disclosure was made on item 4.B.11.

REGULAR AGENDA - CONTINUED

4.C. ZONING PETITIONS

4.C.12.

a. RESOLUTION R-2003-0562

RESOLUTION FOR PETITION PDD2002-065 (HAGEN ASSEMBLAGE PUD) OF GL HOMES OF FLORIDA II CORPORATION, BY JENNIFER MORTON, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 225.69-ACRE PROPERTY LOCATED APPROXIMATELY 0.6 MILE SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF HAGEN RANCH ROAD. (P.O.P. 7062392 AND 7128625) ADOPTED WITH CONDITIONS AS AMENDED 4-24-2003

**b. RESOLUTION R-2003-0563
(REVOKES R-89-331)**

RESOLUTION FOR PETITION 2002-065 (HAGEN ASSEMBLAGE PUD) OF GL HOMES OF FLORIDA II CORPORATION, BY JENNIFER MORTON, AGENT, TO ABANDON THE SPECIAL EXCEPTION GRANTED BY RESOLUTION R-89-331 TO ALLOW A COMMERCIAL SALES AND SERVICE ENTERPRISE OF AN AGRICULTURAL NATURE ON THE 225.69-ACRE PROPERTY LOCATED APPROXIMATELY 0.6 MILE SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF HAGEN RANCH ROAD. (P.O.P. 7062392 AND 7128625) ADOPTED 4-24-2003

Robert A. Bentz, agent, asked to delete the requirement for interconnectivity to the southeastern parcel in conditions L.1. and L.2.

PUBLIC COMMENT:

Sandra Greenberg, president of Coalition of West Boynton Residential Associations (COWBRA), spoke in support of the petition and expressed concern about the pig farm on the property southeast of the site.

Zoning Director Whiteford explained that the pig farm property was zoned AR and had been in that location for a long time.

Commissioner Aaronson pointed out that there was no legal basis for removing the pig farm. Heretofore, the owner had resisted offers to buy from GL Homes, but with the widening of Woolbright Road to four lanes, some of that property may be taken and the owner may sell.

MOTION to adopt a resolution approving the request from AR to residential PUD, subject to conditions. Motion by Commissioner Aaronson and seconded by Commissioner Koons.

Senior Planner William Cross said he assumed the motion included deleting "southeast" from conditions L.1. and L.2.

AMENDED MOTION to include the amended conditions. The maker and seconder agreed. Upon call for a vote, the motion carried 5-0. Commissioners Greene and Marcus absent.

REGULAR AGENDA - CONTINUED

4.C.12. - CONTINUED

MOTION to adopt a resolution to abandon the special exception for a commercial sales and service enterprise of an agricultural nature. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 5-0. Commissioners Greene and Marcus absent.

Board disclosure was given on item 4.C.12.

(CLERK'S NOTE: Items 4.C.13., 4.C.14., and 4.C.15. were considered together.)

4.C.13.

RESOLUTION R-2003-0564

RESOLUTION FOR PETITION PDD2002-067 (FOGG PROPERTY NORTH PUD) OF GL HOMES OF FLORIDA II CORPORATION, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM PUBLIC OWNERSHIP (PO) AND AGRICULTURAL RESERVE (AGR) TO AGRICULTURAL RESERVE PLANNED UNIT DEVELOPMENT (AGR-PUD) FOR THE 516.98-ACRE PROPERTY LOCATED APPROXIMATELY 1,440 FEET SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF LYONS ROAD. (P.O.P. 7062392 AND 7128625) ADOPTED WITH CONDITIONS AS AMENDED 4-24-2003

The amendments to the agenda sheet contained revisions to conditions A.3. and conditions E.16.

Staff presentation on items 4.C.13., 4.C.14., and 4.C.15. was given by Principal Site Planner Maryann Kwok, who said that the agent had agreed to the conditions on the three items. Ms. Kwok mentioned a handout that had been distributed revising conditions E.6., E.7., E.10.b., E.11., E.13., and E.14. in items 4.C.13., 4.C.14., and 4.C.15.

Commissioner McCarty initiated a general discussion on the petitioner's construction of Lyons Road in which Kieran J. Kilday, agent, joined.

Land Development Director Kenneth S. Rogers corrected the date in condition E.19. in item 4.C.13. from "January 1, 2006," to "January 1, 2007."

PUBLIC COMMENT:

Sandra Greenberg, president of Coalition of West Boynton Residential Associations (COWBRA), supported the development of the three Fogg properties. She said that COWBRA would like the parcel of land that was to be conveyed for the 57.8-acre regional park to be conveyed as soon as possible because a 2002 bond issue had set aside money for the development of that park.

MOTION to adopt a resolution approving the request from PO and AGR to AGR-PUD, subject to conditions as amended. Motion by Commissioner McCarty and seconded by Commissioner Aaronson.

Mr. Kilday requested the following sentence deletion from condition E.13. of items 4.C.13., 4.C.14., and 4.C.15: "These documents shall include a title search for a minimum of 25 years." Mr. Rogers agreed.

AMENDED MOTION to include the amended condition. The maker and seconder agreed.

REGULAR AGENDA - CONTINUED

4.C.13. - CONTINUED

Mr. Kilday indicated compliance with Commissioner Newell's statement that any illegal signs on the three properties should be removed.

Board disclosure was given on the three items.

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

4.C.14.

RESOLUTION R-2003-0565

RESOLUTION FOR PETITION PDD2002-068 (FOGG PROPERTY CENTRAL PUD) OF GL HOMES OF FLORIDA II CORPORATION, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESERVE (AGR) TO AGRICULTURAL RESERVE PLANNED UNIT DEVELOPMENT (AGR-PUD) FOR THE 517.15-ACRE PROPERTY LOCATED APPROXIMATELY 1.0 MILE SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF LYONS ROAD. (P.O.P. 7062392 AND 7128625) ADOPTED WITH CONDITIONS AS AMENDED 4-24-2003

(CLERK'S NOTE: For amended conditions, agreement to remove any illegal signs, public comment, and board disclosure on this item, see item 4.C.13. [see pages 10-11].)

MOTION to adopt a resolution approving the request for a rezoning from AGR to AGR-PUD with conditions as amended. Motion by Commissioner Aaronson and seconded by Commissioner Newell.

Senior Planner Jim Bell read the following change to condition J.5: "A cross section detail from the Fogg Central-Dubois/Acme Dairy Preserve parcel ~~south~~ north over the ~~L-30~~ L-29 canal to the ~~County Talmo~~ County Talmo owned ~~Bowman Preserve~~ parcel [shall also be provided]."

Kieran J. Kilday, agent, agreed to the revision.

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

4.C.15.

RESOLUTION R-2003-0566

RESOLUTION FOR PETITION PDD2002-069 (FOGG PROPERTY SOUTH PUD) OF GL HOMES OF FLORIDA II CORPORATION, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESERVE (AGR) TO AGRICULTURAL RESERVE PLANNED UNIT DEVELOPMENT (AGR-PUD) FOR THE 507.56-ACRE PROPERTY LOCATED APPROXIMATELY 1.5 MILES SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF LYONS ROAD. (P.O.P. 7062392 AND 7128625) ADOPTED WITH CONDITIONS AS AMENDED 4-24-2003

(CLERK'S NOTE: For amended conditions, agreement to remove any illegal signs, public comment, and board disclosure on this item, see item 4.C.13. [see pages 10-11].)

MOTION to adopt a resolution approving the request from AGR to AGR-PUD with conditions. Motion by Commissioner Aaronson and seconded by Commissioner Koons.

REGULAR AGENDA - CONTINUED

4.C.15. - CONTINUED

Zoning Director Whiteford clarified that the conditions had been amended.

Kieran J. Kilday, agent, agreed to the revisions.

AMENDED MOTION to include the amended conditions. The maker and seconder agreed. Upon call for a vote, the motion carried 5-0. Commissioners Greene and Marcus absent.

4.C.16. See page 7.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR - None

5.B. PLANNING DIRECTOR - None

5.B.17. Withdrawn; see page 5.

4.D. ADD-ON TO REGULAR AGENDA

4.D.18. See page 3.

6. COMMISSIONER COMMENTS

6.A. COMMISSIONER AARONSON

6.A.19.

INITIATION OF A COMPREHENSIVE PLAN AMENDMENT TO ALLOW INSTITUTIONAL USES IN THE AGRICULTURAL RESERVE WEST OF STATE ROAD 7 (U.S. 441). DISCUSSED WITH DIRECTION 4-24-2002

Commissioner Aaronson asked that the board consider revising the Comprehensive Plan to allow schools and day care centers in the Agricultural Reserve west of State Road 7 (U.S. 441).

Commissioner Masilotti asked that the matter be scheduled for discussion at the next workshop.

Planning, Zoning and Building Executive Director Alterman said she understood Commissioner Aaronson's request to be for staff to initiate a Comprehensive Plan amendment in the next round of amendments at which time the board would approve or not approve the amendment's transmittal. Commissioner Aaronson indicated agreement.

Commissioner McCarty said she would like to discuss the matter at a workshop before considering it at a transmittal hearing. Commissioner Aaronson said he had no objection. Ms. Alterman later said a workshop could be scheduled before taking the matter to the Land Use Advisory Board.

Commissioner Koons asked if the board was scheduled to get an update on the Agricultural Reserve in the next couple of months. Commissioner Masilotti asked Ms. Alterman to schedule an update with each commissioner who wanted one.

COMMISSIONER COMMENTS - CONTINUED

6.A.19. - CONTINUED

Commissioner McCarty suggested that churches and civic sites be added to the list of schools and day care centers.

Commissioner Masilotti suggested that libraries be added to the list.

Planning Director Lorenzo Aghemo characterized the suggestions as institutional issues and said that the matter could be brought back at the next zoning meeting.

Commissioner Masilotti added that a fire station may be needed as well.

No backup provided.

6.B. COMMISSIONER MASILOTTI

6.B.20.

STAFF PRESENTATIONS ON TIERED LEVELS OF SERVICE AND RURAL DESIGN STANDARDS AT A RECENT MEETING AT WESTERN PINES MIDDLE SCHOOL. DISCUSSED 4-24-2003

Commissioner Masilotti thanked Planning and Zoning staff for attending a meeting held during the past week at Western Pines Middle School and for their presentations concerning tiered levels of service and rural design standards. The presentations were very informative for the residents, he said.

No backup provided.

7. ADJOURNMENT

The chair declared the meeting adjourned at 10:42 a.m.

ATTESTED:

APPROVED:

Clerk

Chair