

MEETING: BOARD OF COUNTY COMMISSIONERS, ZONING MATTERS

1. CALL TO ORDER: Board of County Commissioners sitting for the purpose of exercising zoning authority, April 25, 2002, at 9:37 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

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

1.B.1. INVOCATION - Commissioner Masilotti

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 25, 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 4-25-2002

MOTION to receive and file proofs of publication 6133597, 6181973, 6182035, and 6186816. Motion by Commissioner Roberts, seconded by Commissioner Aaronson, and carried 5-0. Commissioners McCarty and Marcus absent.

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 766196 (1-4-2001) and 6029562 and 6106304 (4-4-2002). These public hearings were continued to today's meeting.)

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

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

1.F. ADOPTION OF AGENDA

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

1.F.1. AMENDMENTS TO AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
5	3.B.10.	Petition DOA80-236(B) (Cambridge Auto Sales): Amend conditions of approval.
6	3.C.14.	Petition Z/COZ98-73(3) (Monterey Professional Center): Amend conditions of approval.

2. POSTPONEMENTS AND WITHDRAWALS - See pages 2-5.

3. CONSENT AGENDA - See pages 5-9.

4. REGULAR AGENDA - See pages 9-17.

5. DIRECTOR COMMENTS - See page 18.

6. COMMISSIONER COMMENTS - See pages 18-19.

7. ADJOURNMENT - See page 19.

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. PETITION 80-153

PETITION DOA80-153(J) (ABERDEEN PUD [PLANNED UNIT DEVELOPMENT]) OF ABERDEEN GOLF & COUNTRY CLUB, BY SAM EARDY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO REDESIGNATE LAND USE (OPEN SPACE TO RECREATION) ON THE 1.01-ACRE PROPERTY LOCATED 600 FEET WEST OF JOG ROAD ON THE NORTH SIDE OF GATEWAY BOULEVARD. (P.O.P. 6133597 AND 6181973) POSTPONED BY RIGHT TO MAY 23, 2002 -- 4-25-2002

2.A.2. 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 ON THE 4.04-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND CONGRESS AVENUE. (P.O.P. 6029562 AND 6106304 [4-4-2002]) POSTPONED TO MAY 23, 2002 -- 4-25-2002

No backup provided.

POSTPONEMENTS - CONTINUED

2.A.3.

PETITION 2001-027

PETITION CA2001-027 (TRUE TABERNACLE) OF TRUE TABERNACLE MINISTRIES, BY RON UPHOFF, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP AND A GENERAL DAYCARE FACILITY ON THE 4.8-ACRE PROPERTY LOCATED 1,600 FEET EAST OF CONGRESS AVENUE ON THE NORTH SIDE OF SECOND AVENUE. (P.O.P. 6133597 AND 6181973) POSTPONED BY RIGHT TO MAY 23, 2002 -- 4-25-2002

2.A.4.

PETITION 81-172

PETITION DOA81-172(A) (INTRA COASTAL PACKING) OF INTRA COASTAL PACKING, BY BRADLEY MILLER, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA AND SQUARE FOOTAGE ON 0.71 ACRE OF THE 1.01-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MILITARY TRAIL AND MARILYN DRIVE. (P.O.P. 6133597 AND 6181973) POSTPONED TO MAY 23, 2002 -- 4-25-2002

No backup provided.

2.A.5.

PETITION 89-95

PETITION CA89-95(B) (EBEN-EZER BAPTIST CHURCH) OF JOSEPH BASIL AND JOEL JULIEN, BY KEVIN MCGINLEY, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP ON THE 1.98-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HAVERHILL ROAD AND HORSESHOE CIRCLE NORTH. (P.O.P. 6132597 AND 6181973) POSTPONED TO MAY 23, 2002 -- 4-25-2002

No backup provided.

2.A.6.

PETITION 87-136

STATUS REPORT SR 1987-136.9 FOR RESOLUTIONS R-89-357 AND R-89-358 (PETITION 87-136) (MARSHALL PCD) OF PATRICIA MARSHALL, PETITIONER-PROPERTY OWNER, FOR THE 1.0-ACRE PROPERTY LOCATED 300 FEET EAST OF DAVIS ROAD ON THE NORTH SIDE OF LAKE WORTH ROAD AND ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT (PCD). POSTPONED TO MAY 23, 2002 -- 4-25-2002

2.A.7.

APPLICATION 96-103 COM 1

APPLICATION 96-103 COM-1 (LINTON/JOG) OF LINTON-JOG ASSOCIATES, INC., BY CHARLES W. MILLAR, AGENT, TO EXPAND THE LIST OF PERMITTED USES IN THE RESTRICTIVE COVENANT CONTAINED IN AN EXHIBIT ATTACHED TO ORDINANCE 96-67 FOR ADDISON CENTRE, A 9.7-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LINTON BOULEVARD AND JOG ROAD. CONTINUED TO MAY 23, 2002 -- 4-25-2002

No backup provided.

POSTPONEMENTS - CONTINUED

2.A.8.

APPLICATION 2002-SCA 71 COM 1

APPLICATION 2002-SCA 71 COM 1 (ABBEY PARK II, AKA ABBEY PARK MUPD [MULTIPLE USE PLANNED DEVELOPMENT]) OF AURORA INVESTMENTS IV, INC., BY ROBERT A. BENTZ, AGENT, TO AMEND COMPREHENSIVE PLAN ORDINANCE 89-17, AS AMENDED, BY AMENDING THE FUTURE LAND USE FROM COMMERCIAL LOW WITH AN UNDERLYING 12 UNITS PER ACRE (CL/12) AND WITH CONDITIONS TO COMMERCIAL HIGH (CH) FOR THE 9.88-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HAVERHILL ROAD AND FOREST HILL BOULEVARD. (P.O.P. 6186816) CONTINUED TO JUNE 19, 2002 -- 4-25-2002

No backup provided.

2.A.9.

PETITION 97-113

STATUS REPORT SR 1997-113 FOR RESOLUTION R-98-305 (PETITION 97-113) (SUNBEAM SUPPLY) OF HOWARD R. HOLLOWAY, PETITIONER-PROPERTY OWNER, FOR THE 0.41-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF JOSEPH ROAD AND JOG ROAD AND ZONED COMMERCIAL LOW-OFFICE (CL-O). POSTPONED TO JUNE 19, 2002 -- 4-25-2002

4.C.28.

APPLICATION 2002-SCA 78 COM 1

APPLICATION 2002-SCA 78 COM 1 (BSC PROPERTY) OF BSC, BY ANNA S. COTTRELL, AGENT, TO AMEND COMPREHENSIVE PLAN ORDINANCE 89-17, AS AMENDED, BY AMENDING THE FUTURE LAND USE FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH (CH) ON THE 1.91-ACRE PROPERTY LOCATED 360 FEET SOUTH OF LAKE WORTH ROAD AND 950 FEET WEST OF CONGRESS AVENUE. (P.O.P. 6186816) POSTPONED TO MAY 23, 2002 -- 4-25-2002

4.C.29.

PETITION 2001-060

PETITION Z/COZ2001-060 (BSC PROPERTY/LAKE WORTH ROAD) OF BSC, BY ANNA S. COTTRELL, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM NEIGHBORHOOD COMMERCIAL (CN) AND MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) TO GENERAL COMMERCIAL WITH A CONDITIONAL OVERLAY ZONE (CG/COZ) FOR THE 3.73-ACRE PROPERTY LOCATED 1,000 FEET WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF LAKE WORTH ROAD. (P.O.P. 6133597 AND 6181973) POSTPONED TO MAY 23, 2002, WITH DIRECTION -- 4-25-2002

Zoning Director William C. Whiteford revised the postponements list by adding the postponements to May 23, 2002, of items 4.C.28. and 4.C.29.

Later in the meeting (see page 9), Commissioner Newell noted that the backup on item 4.C.29. stated that the Zoning Commission had been requested to waive the architectural standards. He requested Mr. Whiteford to make sure that the item contained no such condition prior to the next BCC zoning meeting..

PUBLIC COMMENT: None

POSTPONEMENTS - CONTINUED

MOTION to POSTPONE the items 2.A.1. through 2.A.9. as well as items 4.C.28. and 4.C.29. to the dates indicated. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner McCarty absent.

2.B. WITHDRAWALS - None

3. CONSENT AGENDA

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

3.B. PREVIOUSLY POSTPONED ZONING PETITIONS

**3.B.10. RESOLUTION R-2002-0606
(AMENDS R-87-123)**

RESOLUTION FOR PETITION DOA80-236(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. 6029562 AND 6106304 [4-4-2002]) ADOPTED WITH CONDITIONS AS AMENDED 4-25-2002

(CLERK'S NOTE: Item 3.B.10. was amended on the Amendments to the Agenda sheet.)

3.C. ZONING PETITIONS

3.C.11.

a. RESOLUTION R-2002-0607

RESOLUTION FOR PETITION W2001-068 (KIRCHMAN REZONING) OF TERRANCE KIRCHMAN, BY GLEN MILLER, AGENT, FOR A WAIVER OF MINIMUM DENSITY FOR THE 17.25-ACRE PROPERTY LOCATED 1.0 MILE SOUTH OF STATE ROAD 880 AND ONE MILE EAST OF STATE ROAD 80. (P.O.P. 6133597 AND 6181974) ADOPTED 4-25-2002

b. RESOLUTION R-2002-0608

RESOLUTION FOR PETITION Z2001-068 (KIRCHMAN REZONING) OF TERRANCE KIRCHMAN, BY GLEN MILLER, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO SINGLE-FAMILY RESIDENTIAL (RS) FOR THE 17.25-ACRE PROPERTY LOCATED 1.0 MILE SOUTH OF STATE ROAD 880 AND ONE MILE EAST OF STATE ROAD 80. (P.O.P. 6133597 AND 6181974) ADOPTED WITH VOLUNTARY COMMITMENTS 4-25-2002

3.C.12. RESOLUTION R-2002-0609

RESOLUTION FOR PETITION Z/COZ2001-054 (ESPINOZA REZONING) OF RUBEN ESPINOZA, MARTHA ESPINOZA, AND SOFIA GOMEZ, BY HELEN LAVALLEY, AGENT, FOR A REZONING FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) TO LIGHT INDUSTRIAL (IL) FOR THE 0.32-ACRE PROPERTY LOCATED 500 FEET NORTH OF OKEECHOBEE BOULEVARD ON THE WEST SIDE OF SCOTT ROAD. (P.O.P. 6133597 AND 6181973) ADOPTED WITH

VOLUNTARY COMMITMENTS 4-25-2002
CONSENT AGENDA - CONTINUED

3.C.13.

**RESOLUTION R-2002-0610
(AMENDS R-2001-0502)**

RESOLUTION FOR PETITION EAC2000-102(A) (MILITARY/FOREST SELF-STORAGE) OF JOE FEARNLEY, TRUSTEE, BY ROBERT E. BASEHART, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION TO MODIFY/DELETE CONDITIONS OF APPROVAL FOR THE 7.0-ACRE PROPERTY LOCATED 1,500 FEET SOUTH OF FOREST HILL BOULEVARD ON THE WEST SIDE OF MILITARY TRAIL. (P.O.P. 6182035) ADOPTED WITH CONDITIONS 4-25-2002

3.C.14.

RESOLUTION R-2002-0611

RESOLUTION FOR PETITION Z/COZ98-73(3) (MONTEREY PROFESSIONAL CENTER) OF HERBERT F. KAHLERT AND KARL KAHLERT, CO-TRUSTEES, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL HIGH-OFFICE WITH A CONDITIONAL OVERLAY ZONE (CH-O/COZ) FOR THE 4.94-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF BOYNTON BEACH BOULEVARD AND HAGEN RANCH ROAD. (P.O.P. 6133597 AND 6181973) ADOPTED WITH CONDITIONS AS AMENDED 4-25-2002

(CLERK'S NOTE: Item 3.C.14. was amended on the Amendments to the Agenda sheet.)

3.D. STATUS REPORTS

3.D.15.

PETITION 81-170

STATUS REPORT SR 1981-170A FOR RESOLUTION R-99-323 (PETITION 81-170[A]) (GROVE CENTER) OF RCS BOCA GROVE, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL FEBRUARY 25, 2004, FOR THE 3.46-ACRE PROPERTY LOCATED 0.5 MILE SOUTH OF GLADES ROAD ON THE WEST SIDE OF POWERLINE ROAD AND ZONED SPECIALIZED COMMERCIAL WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK. APPROVED 4-25-2002

3.D.16.

**RESOLUTION R-2002-0612
(AMENDS R-90-374)**

RESOLUTION FOR STATUS REPORT SR 1984-123A.6 FOR RESOLUTION R-90-374 (PETITION 84-123[A]) (WILCOX OFFICE-WAREHOUSE) OF OLD DIXIE PARTNERS, PETITIONER (PROPERTY OWNER: ROBERT A. WILCOX, TRUSTEE), TO AMEND THE CONDITIONS OF APPROVAL (ARCHITECTURAL) AND APPROVE A TIME EXTENSION UNTIL FEBRUARY 27, 2004, TO COMMENCE DEVELOPMENT ON THE 1.9-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF RICHARD ROAD AND OLD DIXIE HIGHWAY AND ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN OFFICE-WAREHOUSE COMBINATION AND REDESIGN THE SITE. ADOPTED WITH CONDITIONS 4-25-2002

CONSENT AGENDA - CONTINUED

3.D.17.

PETITION 94-13

STATUS REPORT SR 1994-13.4 FOR RESOLUTION R-95-435 (PETITION 94-13) (CHIMU SHOPPING CENTER) OF CHIMU, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL MARCH 30, 2004, FOR THE 8.55-ACRE PROPERTY LOCATED 0.25 MILE WEST OF MILITARY TRAIL ON THE NORTH SIDE OF HYPOLUXO ROAD AND ZONED MULTIPLE USE PLANNED DEVELOPMENT DISTRICT INCLUDING A REQUESTED USE FOR A FAST FOOD RESTAURANT. APPROVED 4-25-2002

3.D.18.

PETITION 94-98

STATUS REPORT SR 1994-98.5 FOR RESOLUTION R-95-1124 (PETITION 94-98) (HYPOLUXO CENTER) OF FRANCALBY CORPORATION, INC., PETITIONER - PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL FEBRUARY 24, 2003, FOR THE 2.7-ACRE PROPERTY LOCATED 200 FEET EAST OF HIGH RIDGE ROAD ON THE NORTH SIDE OF HYPOLUXO ROAD AND ZONED COMMUNITY COMMERCIAL. APPROVED 4-25-2002

3.D.19.

**RESOLUTION R-2002-0613
(AMENDS R-96-1355)**

RESOLUTION FOR STATUS REPORT SR 1995-106 FOR RESOLUTION R-96-1355 (PETITION 95-106) (GROVE MARKET) OF CALLERY-JUDGE GROVES, PETITIONER (PROPERTY OWNER: GROVE SHOPPING PARTNERS LTD.), TO AMEND CONDITIONS OF APPROVAL (TRAFFIC PERFORMANCE STANDARDS) AND APPROVE A TIME EXTENSION UNTIL DECEMBER 10, 2003, TO COMMENCE DEVELOPMENT ON THE 9.98-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF SEMINOLE PRATT WHITNEY ROAD AND PERSIMMON STREET AND ZONED MULTIPLE USE PLANNED DEVELOPMENT. ADOPTED 4-25-2002

3.E. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS

3.E.20.

PETITION 93-7

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR-2002-004 (PETITION DOA93-7[B]) (MONTE PACKAGING) OF STJ PROPERTIES, BY ANNA S. COTTRELL & ASSOCIATES, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD BUILDING SQUARE FOOTAGE AND RECONFIGURE THE SITE PLAN ON A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST. APPROVED 4-25-2002

3.E.21.

PETITION 95-17

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR-2002-005 (PETITION DOA95-17[G]) (ADDISON COURT) OF ADDISON COURT INC., BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD SQUARE FOOTAGE AND MODIFY/DELETE CONDITIONS OF APPROVAL ON A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 46 SOUTH, RANGE 42 EAST. APPROVED 4-25-2002

CONSENT AGENDA - CONTINUED

3.F. ABANDONMENT RESOLUTIONS

**3.F.22. RESOLUTION R-2002-0614
(REVOKES R-90-365)**

RESOLUTION FOR PETITION ABN 89-98 (LAKEWOOD PLAZA PCD) OF ALLAN GLUCKSTERN, PETITIONER (PROPERTY OWNER: W. G. LASSITER, JR., TRUSTEE), ABANDONING A SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT (PCD) ON THE 3.95-ACRE PROPERTY LOCATED 0.02 MILE SOUTH OF THE MILITARY TRAIL-MELALEUCA LANE INTERSECTION ON THE WEST SIDE OF MILITARY TRAIL AND ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION TO PERMIT A PCD. ADOPTED 4-25-2002

**3.F.23. RESOLUTION R-2002-0615
(REVOKES R-90-363)**

RESOLUTION FOR PETITION ABN 89-97 (MELALEUCA SHOPPES) OF W. G. LASSITER, JR., TRUSTEE AND PROPERTY OWNER, ABANDONING A SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT (PCD) ON THE 2.6-ACRE PROPERTY LOCATED 0.04 MILE SOUTH OF THE MILITARY TRAIL-MELALEUCA LANE INTERSECTION ON THE WEST SIDE OF MILITARY TRAIL AND ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION TO PERMIT A PCD. ADOPTED 4-25-2002

3.G. AMENDMENTS TO TDR CONTRACT, ESCROW AGREEMENT, AND DEED

3.G.24.

**a. DOCUMENT R-2002-0616
(AMENDS R-2001-0603 AND SEE R-2001-0239)**

CONTRACT WITH G.L. HOMES OF BOYNTON BEACH ASSOCIATES VI, LTD., FOR THE SALE AND PURCHASE OF 245 TRANSFER OF DEVELOPMENT RIGHTS (TDR) FROM THE COUNTY TDR BANK AT A PURCHASE PRICE OF \$9,833 PER UNIT FOR A TOTAL PRICE OF \$2,409,085 FOR VALENCIA IV PUD (PLANNED UNIT DEVELOPMENT), A 454.08-PROPERTY LOCATED 2.0 MILES SOUTH OF LANTANA ROAD ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441) AND WEST SIDE OF THE FLORIDA TURNPIKE. APPROVED 4-25-2002

**b. DOCUMENT R-2002-0617
(AMENDS R-2001-0606 AND SEE R-2001-0239)**

ESCROW AGREEMENT WITH G.L. HOMES OF BOYNTON BEACH ASSOCIATES VI, LTD. (PETITIONER) AND RUDEN MCCLOSKEY SMITH SCHUSTER & RUSSELL P.A. (ESCROW AGENT) FOR THE SALE AND PURCHASE OF 245 TRANSFER OF DEVELOPMENT RIGHTS (TDR) FROM THE COUNTY TDR BANK AT A PURCHASE PRICE OF \$9,833 PER UNIT FOR A TOTAL PRICE OF \$2,409,085 FOR VALENCIA IV PUD (PLANNED UNIT DEVELOPMENT), A 454.08-PROPERTY LOCATED 2.0 MILES SOUTH OF LANTANA ROAD ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441) AND WEST SIDE OF THE FLORIDA TURNPIKE. APPROVED 4-25-2002

CONSENT AGENDA - CONTINUED

3.G.25.

**DOCUMENT R-2002-0618
(AMENDS R-2001-0605 AND SEE R-2001-0239)**

DEED CONVEYING 245 TRANSFER OF DEVELOPMENT RIGHTS UNITS TO G.L. HOMES OF BOYNTON BEACH ASSOCIATES VI, LTD., AND DESIGNATING AS A RECEIVING AREA FOR THOSE UNITS VALENCIA IV PUD (PLANNED UNIT DEVELOPMENT), A 454.08 PROPERTY LOCATED 2 MILES SOUTH OF LANTANA ROAD ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441) AND WEST SIDE OF THE FLORIDA TURNPIKE. APPROVED 4-25-2002

PUBLIC COMMENT: None

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

(CLERK'S NOTE: At this time, Commissioner Newell issued a staff direction on item 4.C.29.; see page 4.)

4. REGULAR AGENDA

4.A. ITEMS PULLED FROM CONSENT AGENDA - None

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

(CLERK'S NOTE: Items 4.B.26. and 4.B.27. were considered together.)

4.B.26. APPLICATION 2000-SCA 76 COM 2

APPLICATION 2000-SCA 76 COM 2 (LAKE WORTH/TURNPIKE, AKA POLO LAKES OFFICE PARK) OF SHIH C. CHING, BY KEVIN MCGINLEY, AGENT, TO AMEND COMPREHENSIVE PLAN ORDINANCE 89-17, AS AMENDED, BY AMENDING FUTURE LAND USE FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2), TO COMMERCIAL LOW-OFFICE (CL-O) FOR THE 4.57-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE FLORIDA TURNPIKE AND LAKE WORTH ROAD. (P.O.P. 766196 [1-4-2001] AND 6186816) POSTPONED TO MAY 23, 2002 -- 4-25-2002

4.B.27. PETITION 2001-040

PETITION PDD2001-040 (POLO LAKES OFFICE PARK) OF SHIH C. CHING, BY KEVIN MCGINLEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH A SELF-SERVICE STORAGE FACILITY AS A REQUESTED USE ON THE 4.57-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE FLORIDA TURNPIKE AND LAKE WORTH ROAD. (P.O.P. 6133597 AND 6181973) POSTPONED TO MAY 23, 2002 -- 4-25-2002

Senior Planner Susan Miller said that at time of publication, staff had received two letters from an adjacent property owner. In the first, he objected to the land use change; in the second, he expressed his preference for an office building over a residential development.

REGULAR AGENDA - CONTINUED

4.B.26. AND 4.B.27. - CONTINUED

Commissioner Masilotti noted that several issues were still unresolved and recommended a 30-day postponement. Kevin McGinley, agent, said he would be happy to agree to such a postponement.

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

PUBLIC COMMENT: None

MOTION to POSTPONE item 4.B.26. to May 23, 2002. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 5-0. Commissioners McCarty and Marcus absent.

MOTION to POSTPONE item 4.B.27. to May 23, 2002. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 5-0. Commissioners McCarty and Marcus absent.

4.C. SMALL SCALE AMENDMENTS AND ZONING PETITIONS

4.C.28. See pages 4 and 5.

4.C.29. See pages 4 and 5.

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

(CLERK'S NOTE: Items 4.C.30. and 4.C.31. were considered together.)

**4.C.30. ORDINANCE 2002-015
(AMENDS ORDINANCE 89-17)**

ORDINANCE AMENDING COMPREHENSIVE PLAN ORDINANCE 89-17, AS AMENDED, BY APPROVING THE REQUEST OF APPLICATION 2002-SCA 86 RES 1 (VENTURES III, AKA AZURA TOWNHOUSES) OF L & G ENTERPRISES, INC., BY RICHARD J. CARLSON, JR., AGENT, FOR A FUTURE LAND USE CHANGE FROM INSTITUTIONAL WITH AN UNDERLYING 8 UNITS PER ACRE (INST/8) AND WITH CONDITIONS TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) ON THE 5.10-ACRE PROPERTY LOCATED 0.5 MILE SOUTH OF HYPOLUXO ROAD ON THE EAST SIDE OF JOG ROAD. (P.O.P. 6186816) ADOPTED WITH CONDITIONS 4-25-2002

4.C.31. RESOLUTION R-2002-0619

RESOLUTION FOR PETITION Z/COZ96-115(B) (AZURA TOWNHOUSES) OF L & G ENTERPRISES, INC., BY RICHARD J. CARLSON, JR., AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) TO MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) WITH A CONDITIONAL OVERLAY ZONE (RH/COZ) ON THE 4.79-ACRE PROPERTY LOCATED 0.5 MILE SOUTH OF HYPOLUXO ROAD ON THE EAST SIDE OF JOG ROAD. (P.O.P. 6133597 AND 6181973) ADOPTED WITH CONDITIONS AS AMENDED 4-25-2002

Planning Technician Jamie Gentile said that at time of publication, staff had received

one letter in opposition from the North Tree Community Association.

REGULAR AGENDA - CONTINUED

4.C.31. - CONTINUED

Board disclosure was given at this time.

Commissioner Masilotti pointed out that the site plan attached to the backup referenced a total of 40 units, instead of 30 units. Richard J. ("Chip") Carlson, Jr., agent, stated that the applicant was staying at 30 units and would not apply for a transfer of development rights to bring the number up to 40.

PUBLIC COMMENT:

Dwight E. Purvis and Lew Doctor, president of Coalition of Boynton West Residential Associations (COBWRA), expressed support for the items.

MOTION to adopt an ordinance approving the request for a future land use change from INST/8 with conditions to HR-8. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 6-0. Commissioner McCarty absent.

MOTION to adopt a resolution approving the zoning request from residential PUD to RH with a COZ, subject to conditions. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

Mr. Carlson objected that conditions I.1 and I.2 required interconnectivity to the adjacent properties, a goal that, although laudatory, was not feasible with this little parcel. Commissioner Aaronson agreed.

SECOND TO MOTION WITHDRAWN.

MOTION FAILED FOR LACK OF SECOND.

MOTION to adopt a resolution approving the zoning request from residential PUD to RH with a COZ, subject to conditions and deleting conditions I.1 and I.2. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

Commissioner Marcus said she would not support the motion with the deletion of the interconnectivity requirement.

Mr. Carlson objected to condition E.1, saying that the Lake Charleston Maintenance Association was responsible for median landscaping maintenance on Jog Road. To avoid maintaining the same area, the petitioner offered to pay to the county the cost of their part of the median landscaping and required cutouts. He proposed the following new condition (E.1.d): "The developer may, upon the approval of the County Engineer, pay to Palm Beach County the cost of installation and maintenance, based upon a certified cost estimate approved by the County Engineer." Mr. Carlson clarified that he was offering to make either a lump sum payment or the median installation and maintenance.

Commissioner Aaronson raised the issue of 15-year maintenance.

AMENDED MOTION to include that the petitioner would be responsible for "either/or": either the lump sum payment of the total cost plus the 15-year maintenance or the long-term installation and maintenance. The maker and seconder agreed.

REGULAR AGENDA - CONTINUED

4.C.31. - CONTINUED

Assistant County Attorney Banks recommended modifying the agent's proposed condition to state "upon the approval and sole discretion of the County Engineer..." Mr. Carlson agreed.

Mr. Whiteford remarked that with deletion of conditions I.1 and I.2, condition I.3 would become condition I.1.

Senior Planner Jim Bell corrected an error in the new condition I.3, namely, "east side of Jog Road" instead of "west side of Jog Road."

UPON CALL FOR A VOTE, the motion carried 4-2. Commissioners Marcus and Newell opposed. Commissioner McCarty absent.

Commissioner Newell explained that he had voted against the motion because of the deletion of interconnectivity.

4.D. PREVIOUSLY POSTPONED ZONING PETITIONS

4.D.32.

RESOLUTION R-2002-0620 (AMENDS R-97-780)

RESOLUTION FOR 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 OF APPROVAL, AND ALLOW A FUNERAL HOME AS A 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 [4-4-2002]) ADOPTED WITH CONDITIONS AS AMENDED AND WITH DIRECTION 4-25-2002

Board disclosure was given at this time.

PUBLIC COMMENT:

Support for the petition was expressed by Lew Doctor, president of Coalition of Boynton West Residential Associations (COBWRA); Robert Freeman, vice-president of Palm Isles Master Association; Murray Kalish; Rabbi Hy Krantz; Rabbi Solomon Rothstein, chaplain to the Boynton Beach Police Department; and Rabbi Richard M. Yellin of Congregation Temple Emmet in Delray Beach.

MOTION to adopt a resolution approving the request for a development order amendment to reconfigure the site plan, modify/delete conditions, and allow a funeral home as a requested use, subject to conditions as amended [see below]. Motion by Commissioner Aaronson and seconded by Commissioner Masilotti.

Commissioner Newell requested Traffic Division Director Charles Walker to provide a status update on the Florida Department of Transportation and the traffic signal at Palm Isles to him, Commissioner Aaronson, and the Palm Isles residents.

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

REGULAR AGENDA - CONTINUED

4.D.32. - CONTINUED

(CLERK'S NOTE: Following the meeting, the Zoning Division clarified to the Minutes Division that staff would change the trailer on condition E.6 from "(CO:MONITORING-Eng)" to "(ENGINEERING)"; hence, the "as amended" in the previous motion.)

(CLERK'S NOTE: Commissioners Marcus and Roberts left the meeting.)

4.D.33.

RESOLUTION R-2002-0621

RESOLUTION FOR 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 55.5-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF BOYNTON BEACH BOULEVARD AND ACME DAIRY ROAD. (P.O.P. 6029562 AND 6106304 [4-4-2002]) ADOPTED WITH CONDITIONS AS AMENDED 4-25-2002

Principal Planner Maryann Kwok distributed an aerial of the study area of Section 20, Township 45, Range 42.

Commissioners Roberts and Aaronson objected to interconnectivity between a school and any commercial center, large or small, as being unsafe for children. Mr. Aaronson later added that he was opposed to interconnectivity between a residential community and a school. Commissioner Marcus said the option for access should be provided for the property on the west, whether traditional marketplace development or residential, as being easier to gain access to the road.

Commissioner Aaronson objected to the "ranch house" design of the school as being incompatible with Boynton Beach Boulevard. Robert A. Bentz, agent, said the petitioner preferred to follow the West Boynton Turnpike Corridor Plan, as recommended by the Coalition of Boynton West Residential Associations (COBWRA). Board discussion then focused on rural design.

Mr. Bentz asked that the petitioner not be required to provide a second interconnectivity access as conditioned by staff.

The board made their disclosures at this time.

Commissioner Newell discussed the unsafe traffic intricacies of entering and leaving the property and how an access on Acme Dairy Road would obviate those intricacies. He suggested that a letter be written to the adjacent property owner about selling 20 feet of right-of-way for that access. Commissioner Aaronson agreed and recommended that the chair write the letter. He later spoke in favor of renewed negotiations between the petitioner and property owner on the needed land. Commissioner Masilotti suggested that the county use its power of eminent domain, based on traffic circulation and public safety, to acquire the additional right-of-way and that the petitioner reimburse the county for its expenses in that exercise. He additionally suggested moving the property's main entrance to Acme Dairy Road.

REGULAR AGENDA - CONTINUED

4.D.33. - CONTINUED

MOTION to adopt a resolution approving the request for a class a conditional use to allow a private school and a church or place of worship, subject to conditions as amended, including the condition that the petitioner will do everything required by the board when land is available and work behind the scenes. Motion by Commissioner Roberts and seconded by Commissioner Masilotti.

Citing the modified conditions handout, Engineering Assistant Jim Choban revised the beginning of condition E.2 as follows: "When right-of-way to the south is available, the property owner shall construct...."

Commissioner Newell added that conditions would be modified to require no interconnectivity to the north.

Zoning Director Whiteford revised condition B.1 as follows: "...Elevations shall be designed to be consistent with the Rural Design Guidelines Boynton Beach Turnpike Interchange Corridor Plan dated November 12, 1996, and the Architectural Design Guidelines adopted by the BCC...."

Commissioner Masilotti said he would withdraw his second to allow the district commissioner to make the second.

SECOND TO MOTION WITHDRAWN.

MOTION SECONDED by Commissioner Aaronson.

Addressing Commissioners Aaronson and Roberts, Mr. Whiteford said the county's landscaping conditions were more restrictive than the Boynton Beach plan but where the conditions were less restrictive, staff would apply the plan.

Commissioner Marcus recommended a condition revision to state that the site plan would be reviewed by the Architectural Review section of the Zoning Division and the COBWRA board and that recommendations would be made. Commissioner Aaronson reminded the participants that COBWRA favored the architecture of the Boynton Beach plan. Commissioner Roberts said she would not add the suggestion to her motion since COBWRA lacked an architectural review committee.

PUBLIC COMMENT:

COBWRA President Lew Doctor supported the petition.

Mr. Bentz requested the condition requiring a split rail fence be deleted to allow regular landscaping along Acme Dairy Road.

AMENDED MOTION to delete the split rail fence condition. The maker and seconder agreed.

Mr. Whiteford said he understood that only interconnectivity to the south would be retained. Commissioners Roberts and Aaronson said they would not agree to that because it would connect the campus with the possible traditional marketplace development.

Board discussion focused on interconnectivity.

REGULAR AGENDA - CONTINUED

4.D.33. - CONTINUED

AMENDED MOTION to include a northern access point to interconnect with the property to the west. The maker and seconder agreed.

Discussion continued on interconnectivity.

AMENDED MOTION to delete the northern access point to interconnect with the western property and to allow for an interconnect provided it connects to a residential or non-commercial piece of property. The maker and seconder agreed.

Commissioner Masilotti said his only concern was the children's safety and that he would support the motion only if there was a way to connect to Lyons Road.

Commissioner Newell stated that the motion on the floor was to adopt a resolution approving the request for a class a conditional use to allow a private school and church or place of worship with all the conditions as amended. Invited by the chair to comment, Mr. Whiteford replied that it went without saying that the board also would not support interconnectivity to the Caridad Health Care Center parcel and to the adjacent 5.0-acre vacant parcel and that, accordingly, conditions would have to be amended or deleted.

Commissioner Aaronson requested Commissioner Roberts to amend her motion to specify interconnectivity no closer than 600 feet from Boynton Beach Boulevard.

AMENDED MOTION to specify interconnectivity no closer than 600 feet from Boynton Beach Boulevard. The maker and seconder agreed.

Senior Planner Bell said that, based on the amended motion, conditions I.1 and I.2 would be deleted.

Commissioner Newell clarified that the amended motion did not connect the parcel to the south to this property.

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

RECESS

At 12:02 p.m., the chair declared a brief recess.

RECONVENE

At 12:10 p.m., the board reconvened with Commissioners Aaronson, Greene, Marcus, Masilotti, Newell, and Roberts present.

REGULAR AGENDA - CONTINUED

4.E. ZONING PETITIONS

4.E.34. RESOLUTION R-2002-0622

RESOLUTION FOR PETITION PDD2001-070 (VALENCIA VII) OF GL HOMES OF FLORIDA II CORPORATION, BY KILDAY & ASSOCIATES, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 236.6-ACRE PROPERTY LOCATED 1,400 FEET NORTH OF SIMS ROAD ON THE WEST SIDE OF JOG ROAD. (P.O.P. 6133597 AND 6181973) ADOPTED WITH CONDITIONS AS AMENDED AND WITH DIRECTION 4-25-2002

(CLERK'S NOTE: A handout with two additional mass transit conditions was distributed.)

Principal Planner Kwok said that condition E.6 required the petitioner to provide two access points on Jog Road. The Zoning Commission supported staff in requiring this condition, but the petitioner objected to it, she said.

Kieran J. Kilday, agent, asked that condition E.6 be deleted, explaining that with two entrances onto the same frontage, there was no need for a traffic signal, as required by condition E.7. No signal raised the possibility of traffic accidents, however.

MOTION to adopt a resolution approving a rezoning request from AR to residential PUD, subject to conditions as amended and with the deletion of condition E.6. Motion by Commissioner Aaronson and seconded by Commissioner Roberts.

Traffic Division Walker argued on behalf of the two access points.

PUBLIC COMMENT: None

Commissioner Marcus said that all potential traffic signals needed to be counted when the Traffic Performance Standards Ordinance was reviewed. Such signals were not included in the traffic analysis for this project, she observed.

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

Board disclosure was given at this time.

4.E.35.

a. RESOLUTION R-2002-0623

RESOLUTION FOR PETITION PDD2001-059 (BETHESDA PUD) OF MI HOMES, BY JULIAN BRYAN AND CHIP BRYAN, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 23.1-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKE IDA ROAD AND HAGEN RANCH ROAD. (P.O.P. 6133597 AND 6181973) ADOPTED WITH CONDITIONS AS AMENDED 4-25-2002

REGULAR AGENDA - CONTINUED

4.E.35. - CONTINUED

b.

RESOLUTION R-2002-0624

RESOLUTION FOR PETITION TDR2001-059 (BETHESDA PUD [PLANNED UNIT DEVELOPMENT]) OF MI HOMES, BY JULIAN BRYAN AND CHIP BRYAN, AGENT, FOR A TRANSFER OF DEVELOPMENT RIGHTS FOR 25 UNITS AND TO DESIGNATE THIS PETITION AS THE RECEIVING AREA. THE 23.1-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LAKE IDA ROAD AND HAGEN RANCH ROAD. (P.O.P. 6133597 AND 6181973) ADOPTED 4-24-2002

The board made their disclosures at this time.

Principal Planner Kwok made the following modifications to the conditions:

- Condition D.1. Increase the fence height to eight feet and plant a hedge against the fence.
- Condition F.4. Complete a portion of the landscape buffer on the east property line within 30 days of the approval of the vegetation removal permit issued by Environmental Resources Management.

Senior Planner Bell deleted conditions I.3 and I.4.

Julian Bryan, agent, said the petitioner had agreed to the Antiquers Aerodrome Homeowners Association request that the fence (condition D.1) be placed on the south property line, not on top of the berm.

PUBLIC COMMENT:

Jean Pecor, property owner to the east of the petitioner, said she was concerned to protect her horses against access from the development. After general discussion, Commissioner Newell said that interconnectivity in this instance was inappropriate and the condition requiring it should be deleted. Zoning Director Whiteford noted that the conditions in question were I.1 and I.2.

MOTION to adopt a resolution a rezoning request from AR to residential PUD, subject to conditions as amended. Motion by Commissioner Greene, seconded by Commissioner Aaronson, and carried 4-2. Commissioners Marcus and Masilotti opposed. Commissioner McCarty absent.

MOTION to adopt a resolution approving the request for a transfer of development rights for 25 units and to designate this petition as the receiving area, subject to conditions. Motion by Commissioner Aaronson, seconded by Commissioner Roberts, and carried 4-2. Commissioners Marcus and Masilotti opposed. Commissioner McCarty absent.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR

5.A.36.

DATE OF JUNE ZONING MEETING. DISCUSSED 4-25-2002

Zoning Director Whiteford reminded the board that the June zoning meeting would be on the 19th, a Wednesday, because of a conflict with a Metropolitan Planning Organization meeting on Thursday.

No backup provided.

5.A.37.

UPDATE ON REAL ESTATE SALES OFFICES IN PLANNED UNIT DEVELOPMENTS. POSTPONED TO MAY 23, 2002 -- 4-25-2002

Zoning Director Whiteford said staff had provided a memorandum to the board on this subject and needed direction.

(CLERK'S NOTE: Minutes Division was not provided with a copy of the memorandum.)

The board agreed to postpone the item to the May 23 zoning meeting, scheduling it as the first item on the regular agenda.

No backup provided.

6. COMMISSIONER COMMENTS

6.A. COMMISSIONER AARONSON

6.A.38.

UTILITY AFFECTED BY CITY OF BOCA RATON STRUCTURE HEIGHT ORDINANCE. DISCUSSED WITH DIRECTION 4-25-2002

Commissioner Aaronson stated that the City of Boca Raton had adopted an ordinance two days earlier requiring the city council to approve any structure taller than 50 feet that is proposed in a residential neighborhood. The ordinance affects the Florida Power & Light Company's (FPL) recent decision to install power lines in public rights-of-way, he said, and in consequence, FPL is considering various options, including the possibility of a lawsuit. Assistant County Attorney Banks advised that FPL is within their right to construct on public rights-of-way. Commissioner Aaronson suggested that the board direct Planning, Zoning and Building Executive Director Barbara Alterman and Assistant County Attorney Banks to closely monitor the situation and issue updates on any action taken. If Boca Raton prevails in limiting utilities to 50-foot poles, the county should do the same thing, said Mr. Aaronson.

The board informally agreed.

No backup provided.

COMMISSIONER COMMENTS - CONTINUED

6.B. COMMISSIONER MASILOTTI

6.B.39.

RESTRICTION OF LARGE VEHICLES TO THE RIGHT LANE OF THOROUGHFARE ROADS. DISCUSSED WITH DIRECTION 4-25-2002

Commissioner Masilotti commented that a large part of the traffic circulation problem was large vehicles blocking the flow of traffic. He requested board approval on asking staff to look into the legal options of the county requiring large vehicles, such as semi tractor trailers, to use only the right lane on thoroughfare roads. Such a requirement would allow automobile traffic to flow undisturbed, he said.

The board informally agreed.

No backup provided.

7. ADJOURNMENT

The chair adjourned the meeting at 12:40 p.m.

ATTESTED:

APPROVED:

Clerk

Chair