

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 May 23, 2002, at 9:36 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 - Absent
Commissioner Burt Aaronson
Commissioner Addie L. Greene
Commissioner Mary McCarty
Commissioner Karen T. Marcus
Commissioner Tony Masilotti
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 May 23, 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 5-23-2002

MOTION to receive and file proofs of publication 6192778, 6231784, and 6265703. Motion by Commissioner Masilotti, seconded by Commissioner Marcus, and carried 6-0. Commissioner Roberts absent.

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 766196 [1-4-2001], 6029562 and 6106304 [4-2-2002], and 6133597, 6181973, and 6186816 [4-25-2002]. 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 Marcus, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Roberts absent.

1.F.1. AMENDMENTS TO THE AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
7	3.D.19.	Status Report SR 1984-105A (Eastern Metals): Amend motion.
12	4.D.31.	Petition DOA81-172(A) (Intra Coastal Packing): Modify conditions.
12	4.E.32.	9:30 a.m. Time Certain - Citrus Canker Discussion
12	4.F.]33. [5.B.35.]	Request to Amend Permitted Uses (Planning Division) (Ordinance 96-67 [Linton/Jog])

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

3. CONSENT AGENDA - See pages 6-11.

4. REGULAR AGENDA - See pages 4-6 and 11-19.

9:30 A.M. TIME CERTAIN (Item 4.E.32.) - See pages 4-6.

5. DIRECTOR COMMENTS - See page 20.

6. COMMISSION COMMENTS - See pages 20-21.

7. ADJOURNMENT - See page 21.

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. 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. 6029562 AND 6106304 [4-2-2002]) POSTPONED TO JUNE 19, 2002 -- 5-23-2002

POSTPONEMENTS - CONTINUED

2.A.2.

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 [4-25-2002]) POSTPONED TO JUNE 19, 2002 -- 5-23-2002

No backup provided.

2.A.3.

PETITION 2002-006

PETITION CA2002-006 (JFK MEDICAL CENTER CHARTER SCHOOL) OF RAY VAN TINE, ROBERT NALESNIK, AND ARLENE NALESNIK, BY SARA LOCKHART, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CHARTER SCHOOL FOR 550 STUDENTS ON THE 6.2-ACRE PROPERTY LOCATED 290 FEET EAST OF DAVIS ROAD ON THE NORTH SIDE OF MELALEUCA LANE. (P.O.P. 6192778 AND 6231784) POSTPONED TO JUNE 19, 2002 -- 5-23-2002

No backup provided.

2.A.4.

PETITION 97-4

PETITION PDD97-4(B) (KEREKES PLAZA) OF DON STILLER, BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) AND RESIDENTIAL ESTATES (RE) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) AND TO ALLOW GENERAL REPAIR AND MAINTENANCE, A CONVENIENCE STORE WITH GAS SALES, AND A CAR WASH FACILITY AS REQUESTED USES ON THE 24.84-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF JOG ROAD AND BOYNTON BEACH BOULEVARD. (P.O.P. 6192778, 6231784, AND 6265703) POSTPONED TO JUNE 19, 2002 -- 5-23-2002

2.A.5.

PETITION 2001-043

PETITION PDD2001-043 (SQUARE LAKES NORTH) OF GARDEN OAKS CENTER LTD., BY DONALDSON HEARING AND BRIAN CHEGUIS, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM RESIDENTIAL ESTATE (RE) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) FOR THE 3.06-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF SQUARE LAKES DRIVE AND MILITARY TRAIL. (P.O.P. 6192778 AND 6231784) POSTPONED TO JULY 25, 2002 -- 5-23-2002

POSTPONEMENTS - CONTINUED

3.D.20.

PETITION 84-163

STATUS REPORT SR 84-163A.5 FOR RESOLUTION R-94-358 (PETITION 84-163[A]) (ARCADIA PROPERTIES) OF ARCADIA PROPERTIES, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL MARCH 24, 2004, FOR THE 4.04-ACRE PROPERTY LOCATED ON THE WEST SIDE OF MILITARY TRAIL 2.0 MILES NORTH OF WEST ATLANTIC AVENUE AND SOUTH OF STEINER ROAD AND ZONED COMMUNITY COMMERCIAL WITH A CONDITIONAL OVERLAY ZONE. POSTPONED TO JULY 25, 2002 -- 5-23-2002

5.B.35.

EXPANSION OF PERMITTED USES IN A RESTRICTIVE COVENANT IN AN EXHIBIT INCLUDED IN ORDINANCE 96-67 (FOR APPLICATION 96-103 COM 1 [LINTON/JOG], OF LINTON-JOG ASSOCIATES, INC., BY CHARLES W. MILLAR, AGENT, FOR A 9.7-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF LINTON BOULEVARD AND JOG ROAD). CONTINUED TO JUNE 19, 2002 -- 5-23-2002

Zoning Director William C. Whiteford added two items to the postponements list: (1) item [4.F.]33. on the amendments to the agenda list (renumbered to 5.B.35.) to June 19, 2002; and item 3.D.20. to July 25, 2002.

PUBLIC COMMENT: None

MOTION to POSTPONE items 2.A.1. through 2.A.5. as well as items 3.D.20. and 5.B.35. to the dates indicated. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Roberts absent.

2.B. WITHDRAWALS - None

3. CONSENT AGENDA - See pages 6-11.

4. REGULAR AGENDA

4.E. ADMINISTRATION

9:30 A.M. TIME CERTAIN

4.E.32.

CITRUS CANKER. EXTENDED MOTION W/ DIRECTION 5-23-2002

Assistant County Administrator Brad Merriman explained that this item was on today's agenda at the direction of the board at their May 21, 2002, regular meeting.

The Florida Department of Agriculture and Consumer Services was represented by: Mark J. Fagan, public information supervisor; Richard D. Gaskalla, director, Division of Plant Industry; Clayton Hutcheson, director, Palm Beach County Extension Office; and Timothy S. Schubert, biological administrator III. The citrus industry was represented by Wallace ("Wally") Hewitt of Callery-Judge Groves and Charles C. ("Chuck") Walsey of Indian Trail Groves Ltd.

REGULAR AGENDA - CONTINUED

4.E.32. - CONTINUED

Commissioner McCarty explained she had raised this issue the previous Tuesday because the citrus canker disease was spreading in South Florida. Tree canopies in entire neighborhoods were being wiped out. Hundreds and possibly thousands of trees were at risk. Trees being cut down were not only the infected trees but healthy trees within a 1,900-foot radius of an infected tree. As an example, 700 trees were currently being cut down in West Boca Raton, and 600 trees were to be cut down in East Boca Raton. An injunction was in place against the latter until at least the following day.

Ms. McCarty asked the board consider a three-prong approach:

- Prevention. Talk to the citrus industry about treating their trees with copper in order to help prevent citrus canker.
- Litigation to protect private property rights. This had been initiated by: (1) Miami-Dade County; and (2) Broward County joined by the City of Boca Raton. Commissioner McCarty asked the board to file an injunction with the court, at least for the West Boca Raton area, until resolution of the issue with the commercial groves.
- Compensation to property owners. The county had asked the state to give property owners \$100 for each tree replacement. The state was giving \$100 for the first tree and a \$50 voucher for each additional tree. Commissioner McCarty proposed going up to \$100 for each tree that was cut down.

A lengthy discussion ensued during which the state representatives distributed several documents to the board.

(CLERK'S NOTE: Two pieces of this documentation were provided to the clerk, namely, two papers co-authored by Dr. Schubert.)

MOTION to create a \$1,000,000 fund from which to compensate property owners \$200 for the replacement of each citrus tree cut down (\$145 plus \$55 from the state) and to seek reimbursement from the state after the legislature convened in 2003. Motion by Commissioner Aaronson.

Commissioner Masilotti said he would second the motion if it included approaching Agriculture Commissioner Charles H. Bronson right now for a reimbursement grant as was given to other counties.

AMENDED MOTION to approach Commissioner Bronson for a reimbursement grant. The maker agreed. Second to motion by Commissioner Masilotti.

Commissioner Newell commented that the state monies given to Miami-Dade and Broward counties were not for individual reimbursement but for creation of a program to purchase and replace trees. Commissioner Aaronson responded that, instead of money, vouchers could be given to affected property owners.

AMENDED MOTION to bring the citrus canker issue back at the May 30, 2002, budget workshop. The maker and seconder agreed.

Dr. Gaskalla offered to prepare a report on how the state's grant money was spent in the other counties.

REGULAR AGENDA - CONTINUED

4.E.32. - CONTINUED

AMENDED MOTION to identify funding source(s) at the May 30 budget workshop and to write to Representative Jeffrey (“Jeff”) H. Atwater, chair of the Palm Beach County Legislative Delegation, seeking legislative approval of an Agriculture and Consumer Services Department reimbursement. The maker and seconder agreed.

Dr. Gaskalla told Commissioner Newell that Palm Beach County had as many as 4,000 infected and exposed trees. Commissioner Aaronson revised his fund figure to \$750,000.

AMENDED MOTION to create a \$750,000 compensation fund. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Roberts absent.

MOTION to file an injunction with the court as soon as possible to stop the state from taking additional exposed, but not infected, trees. Motion by Commissioner McCarty and seconded by Commissioner Greene.

Commissioners Aaronson and Masilotti said they could not support an injunction since compensation would be provided.

UPON CALL FOR A VOTE, the motion FAILED 2-4. Commissioners Aaronson, Marcus, Masilotti, and Newell opposed. Commissioner Roberts absent.

Commissioner Newell pointed out that landscape companies were a key factor in the spread of citrus canker and recommended that the board discuss regulation at a future meeting. He proposed an ordinance to regulate landscape companies to assist in halting the disease and to notify landscapers by way of Channel 20 or occupational licensing, he said.

Commissioner Masilotti recommended informing homeowner associations about the threat to their trees from landscapers and to educate them on how they could help.

3. CONSENT AGENDA

3.A. REQUESTS TO PULL ITEMS FROM CONSENT

The board and staff pulled the following items for discussion: 3.C.8. (see page 15) 3.C.10. (see pages 15-16); 3.C.15. (see pages 16); and 3.C.16. (see pages 16-17).

3.B. PREVIOUSLY POSTPONED ZONING PETITIONS

**3.B.6. RESOLUTION R-2002-0830
(AMENDS R-2001-0435)**

RESOLUTION FOR PETITION DOA80-153(J) (ABERDEEN PUD [PLANNED UNIT DEVELOPMENT]) OF ABERDEEN GOLF & COUNTRY CLUB, BY SAM ERDE, 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 [4-25-2002]) ADOPTED WITH CONDITIONS 5-23-2002

CONSENT AGENDA - CONTINUED

3.B.7.

RESOLUTION R-2002-0831

RESOLUTION FOR 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. 6133597 AND 6181973 [4-25-2002]) ADOPTED WITH CONDITIONS 5-23-2002

3.C. ZONING PETITIONS

3.C.8. See page 15.

3.C.9.

a.

RESOLUTION R-2002-0832

RESOLUTION FOR PETITION Z2002-002 (DUNKIN' DONUTS) OF LANCE S. UHLEY, TRUSTEE, BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO COMMUNITY COMMERCIAL (CC) FOR THE 1.01-ACRE PROPERTY LOCATED 250 FEET NORTH OF LANTANA ROAD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 6192778 AND 6231784) ADOPTED 5-23-2002

b.

RESOLUTION R-2002-0833

RESOLUTION FOR PETITION CA2002-002 (DUNKIN' DONUTS) OF LANCE S. UHLEY, TRUSTEE, BY ROBERT E. BASEHART, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A FAST FOOD RESTAURANT ON THE 1.01-ACRE PROPERTY LOCATED 250 FEET NORTH OF LANTANA ROAD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 6192778 AND 6231784) ADOPTED WITH CONDITIONS 5-23-2002

3.C.10. See pages 15-16.

3.C.11.

**RESOLUTION R-2002-0834
(AMENDS R-90-1438)**

RESOLUTION FOR PETITION DOA84-173(C) (LEWIS PCD [PLANNED COMMERCIAL DEVELOPMENT]) OF MEDINA LLC, BY HELEN LAVALLEY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO MODIFY THE SITE PLAN, ADD SQUARE FOOTAGE, AND ALLOW AN AUTO PAINT AND BODY SHOP AS A REQUESTED USE ON THE 1.7-ACRE PROPERTY LOCATED 300 FEET WEST OF SEMINOLE AVENUE ON THE SOUTH SIDE OF WESTGATE AVENUE. (P.O.P. 6192778 AND 6231784) ADOPTED WITH CONDITIONS 5-23-2002

CONSENT AGENDA - CONTINUED

3.C.12.

RESOLUTION R-2002-0835

RESOLUTION FOR PETITION Z/COZ2001-056 (CARPENTERS UNION) OF PALM BEACH CARPENTERS JOINT HOLDING COMPANY, BY SCOTT MOSOLF, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) (RM) TO GENERAL COMMERCIAL WITH A CONDITIONAL OVERLAY ZONE (CG/COZ) FOR THE 2.46-ACRE PROPERTY LOCATED ON THE EAST SIDE OF CONGRESS AVENUE BETWEEN BELVEDERE ROAD AND WESTGATE AVENUE. (P.O.P. 6192778 AND 6231784) ADOPTED WITH CONDITIONS 5-23-2002

3.C.13.

RESOLUTION R-2002-0836

RESOLUTION FOR PETITION DOA78-273(A) (PINE TRAIL SHOPPING CENTER) OF PINE TRAIL SQUARE CENTER LLC, BY WINSTON LEE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ALLOW A FITNESS CENTER IN EXCESS OF 15,000 SQUARE FEET AS A REQUESTED USE ON THE 28.72-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND MILITARY TRAIL. (P.O.P. 6192778 AND 6231784) ADOPTED WITH CONDITIONS 5-23-2002

3.C.14.

RESOLUTION R-2002-0837

RESOLUTION FOR PETITION PDD2002-001 (GRAND HAVEN PUD) OF ENGLE HOMES/PALM BEACH INC., BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE 78.95-ACRE PROPERTY LOCATED 0.5 MILE WEST OF THE INTERSECTION OF LEGENDS WAY AND LINTON BOULEVARD ON THE EAST SIDE OF THE FLORIDA TURNPIKE. (P.O.P. 6192778 AND 6231784) ADOPTED WITH CONDITIONS 5-23-2002

3.C.15. See page 16.

3.C.16. See pages 16-17.

3.D. STATUS REPORTS

3.D.17.

**RESOLUTION R-2002-0838
(AMENDS R-89-358)**

RESOLUTION FOR STATUS REPORT SR 1987-136.9 FOR RESOLUTIONS R-89-357 AND R-89-358 FOR PETITION 87-136 (MARSHALL PCD) OF PATRICIA MARSHALL, PETITIONER (PROPERTY OWNER: ENRRIQUE CASARRUBIAS) TO AMEND CONDITIONS OF APPROVAL AND TO APPROVE A TIME EXTENSION UNTIL FEBRUARY 28, 2004, TO COMMENCE DEVELOPMENT. THE 1.0-ACRE PROPERTY IS LOCATED 300 FEET EAST OF DAVIS ROAD ON THE NORTH SIDE OF LAKE WORTH ROAD AND IS ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT (PCD). ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 5-23-2002

(CLERK'S NOTE: Resolution number R-2002-0839 is void.)

CONSENT AGENDA - CONTINUED

3.D.18.

PETITION 73-216

STATUS REPORT SR 73-216A.7 FOR RESOLUTIONS R-90-57 AND R-90-58 OF PETITION 73-216(A) (PALM BEACH BAPTIST TEMPLE) OF PALM BEACH BAPTIST TEMPLE, INC., PETITIONER-PROPERTY OWNER, FOR A TIME EXTENSION UNTIL MARCH 25, 2004, FOR BOTH RESOLUTIONS. THE 7.5-ACRE PROPERTY IS LOCATED 0.8 MILE NORTH OF HYPOLUXO ROAD ON THE WEST SIDE OF MILITARY TRAIL AND IS ZONED SINGLE-FAMILY RESIDENTIAL WITH A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHURCH AND ACCESSORY FACILITIES IN ORDER TO INCREASE THE SQUARE FOOTAGE FOR THE CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES AND TO PERMIT AN EDUCATIONAL INSTITUTION (MAXIMUM OF 60 STUDENTS, KINDERGARTEN-12TH GRADE). POSTPONED TO AUGUST 22, 2002 -- 5-23-2002

Kevin McGinley, agent, requested a postponement to August 22, 2002.

3.D.19.

PETITION 84-105

STATUS REPORT SR 1984-105A FOR RESOLUTION R-97-661 OF PETITION 84-105(A) (EASTERN METALS) OF GSG INVESTMENTS, PETITIONER (PROPERTY OWNER: SUSAN WALSH, GREGORY WEEKS, GLEN MAGALDI, AND GSG INVESTMENTS), TO REVOKE THE CERTIFIED SITE PLAN EXHIBIT 1 AND APPROVE A TIME EXTENSION TO MARCH 15, 2004, TO COMMENCE DEVELOPMENT [AMENDED MOTION ON AMENDMENTS TO THE AGENDA SHEET]. THE 0.49-ACRE PROPERTY IS LOCATED ON THE NORTH SIDE OF 4TH AVENUE NORTH ON THE WEST SIDE OF BOUTWELL ROAD AND IS ZONED LIGHT INDUSTRIAL. APPROVED 5-23-2002

3.D.20. See page 4.

3.D.21.

PETITION 88-39

STATUS REPORT SR 1988-39A FOR RESOLUTION R-93-549 OF PETITION 88-39(A) (LANTANA PALMS) OF ACLF OF LANTANA, INC., PETITIONER (PROPERTY OWNER: TAL REALTY, INC.), TO APPROVE A TIME EXTENSION TO APRIL 29, 2003, FOR R-93-549. THE 10.4-ACRE PROPERTY IS LOCATED 0.25 MILE WEST OF MILITARY TRAIL ON THE NORTH SIDE OF LANTANA ROAD AND IS ZONED SINGLE-FAMILY RESIDENTIAL WITH A DEVELOPMENT ORDER AMENDMENT TO AMEND A TYPE III CONGREGATE LIVING FACILITY TO INCLUDE VOLUNTARY DENSITY BONUS (21 UNITS). APPROVED 5-23-2002

3.D.22.

PETITION 97-95

STATUS REPORT SR 97-95.2 FOR RESOLUTION R-98-423 OF PETITION 97-95 (WINSBERG FARMS PUD) OF PALM BEACH COUNTY WATER UTILITIES DEPARTMENT, PETITIONER (PROPERTY OWNER: THEODORE WINSBERG, GERTRUDE K. WINSBERG, MICHAEL L. JAMESON, AND PALM BEACH COUNTY), TO APPROVE A TIME EXTENSION TO MARCH 26, 2004, TO RECORD A PLAT AND TO JULY 1, 2003, TO COMPLY WITH CONDITIONS E.1 AND E.3 OF R-98-423. THE 137.39-ACRE PROPERTY IS LOCATED 2.5 MILES NORTH OF WEST ATLANTIC AVENUE ON THE WEST SIDE OF JOG ROAD AND IS ZONED PLANNED UNIT DEVELOPMENT (PUD). APPROVED 5-23-2002

CONSENT AGENDA - CONTINUED

3.D.23.

**RESOLUTION R-2002-0840
(AMENDS R-98-424)**

RESOLUTION FOR STATUS REPORT SR 97-96.2 FOR RESOLUTION R-98-424 OF PETITION 97-96 (WINSBERG FARM MUPD) OF THEODORE WINSBERG AND GERTRUDE WINSBERG, PETITIONER-PROPERTY OWNER, TO ADOPT A RESOLUTION TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) IN R-98-424 AND APPROVE A TIME EXTENSION UNTIL MARCH 26, 2004, TO COMMENCE DEVELOPMENT AND UNTIL MARCH 26, 2003, TO COMPLY WITH CONDITIONS E.1 AND E.3 OF R-98-424. THE 15.0-ACRE PROPERTY IS LOCATED 2.5 MILES NORTH OF WEST ATLANTIC AVENUE ON THE WEST SIDE OF JOG ROAD AND IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD). ADOPTED WITH CONDITIONS AND APPROVED THE TIME EXTENSIONS 5-23-2002

3.D.24.

PETITION 98-23

STATUS REPORT CR 1998-023/T5 FOR RESOLUTION R-98-1810 OF PETITION 98-23 (PRATT AND ORANGE MUPD) OF SOUTHEAST SHOPPING CENTER, PETITIONER (PROPERTY OWNER: SEMINOLE PRATT INVESTMENTS), TO APPROVE A TIME EXTENSION UNTIL DECEMBER 1, 2002, FOR R-98-1810. THE 22.0-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF SEMINOLE PRATT WHITNEY ROAD AND ORANGE BOULEVARD AND IS ZONED MULTIPLE USE PLANNED DEVELOPMENT (MUPD) WITH A GENERAL DAYCARE (200 CHILDREN), FAST-FOOD RESTAURANT, FINANCIAL INSTITUTION WITH DRIVE-THRU, AND WATER PLANT AS REQUESTED USES. APPROVED 5-23-2002

3.D.25.

PETITION 98-41

STATUS REPORT CR 1998-041/I1 FOR RESOLUTION R-99-7 OF PETITION 98-41 (PRATT/ORANGE PO) OF PALM BEACH COUNTY, PETITIONER (PROPERTY OWNER: INDIAN TRAIL IMPROVEMENT DISTRICT), TO APPROVE A TIME EXTENSION UNTIL DECEMBER 1, 2002, TO COMPLY WITH CONDITION I.1 OF R-99-7. THE 2.28-ACRE PROPERTY IS LOCATED 500 FEET NORTH OF ORANGE BOULEVARD ON THE EAST SIDE OF SEMINOLE PRATT WHITNEY ROAD AND IS ZONED PUBLIC OWNERSHIP (PO) WITH A CONDITIONAL OVERLAY ZONE. APPROVED 5-23-2002

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

4.D.31.

**RESOLUTION R-2002-0847
(AMENDS R-81-1379)**

RESOLUTION FOR PETITION DOA81-172(A) (INTRA COASTAL PACKING) OF INTRA COASTAL PACKING, BY BRADLEY D. MILLER, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA AND SQUARE FOOTAGE FOR THE PROPERTY--0.71 ACRE (EXISTING), 1.01 ACRES (PROPOSED)--LOCATED AT THE SOUTHEAST CORNER OF MILITARY TRAIL AND MARILYN DRIVE. (P.O.P. 6133597 AND 6181973 [4-25-2002]) ADOPTED WITH CONDITIONS AS AMENDED 5-23-2002

(CLERK'S NOTE: On the amendments to the agenda sheet, this item's conditions of approval were amended and the item itself was moved to the consent agenda.)

CONSENT AGENDA - CONTINUED

4.D.31. - CONTINUED

PUBLIC COMMENT: None

MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions. Motion by Commissioner Masilotti and seconded by Commissioner McCarty.

The board and staff pulled the following items from the consent agenda: 3.C.8., 3.C.10., 3.C.15., and 3.C.16. See pages 15, 15-16, 16, and 16-17, respectively.

AMENDED MOTION to exclude the pulled items. The maker and seconder agreed. Upon call for a vote, the motion carried 6-0. Commissioner Roberts absent.

4. REGULAR AGENDA - CONTINUED

4.A. ITEMS PULLED FROM CONSENT - See pages 15-17.

4.B. UPDATE/DISCUSSION

4.B.26.

UPDATE ON REAL ESTATE SALES OFFICES. EXTENDED MOTION WITH DIRECTION 5-23-2002

Senior Planner Aimee Craig Carlson gave the following report:

- Background.

In November 2001, the board directed staff to revisit the issue of real estate sales offices in planned unit developments (PUDs). The Unified Land Development Code (ULDC) calls for the closure of non-complying sales offices by January 2002, but no citations were being issued based on board direction. In January 2002, staff took the item to the Citizens Task Force (CTF), which voted to allow an additional 12-month extension for closure of the offices. On April 4, the CTF discussed, but took no action on, allowing limited real estate sales offices in PUDs, requiring all such offices to close, allowing new offices to open, and allowing an extension for closure of non-complying offices. On April 25, the board directed staff to provide additional information at today's meeting.

- Non-complying sales offices identified.

Staff had reviewed all the PUDs in the county and had determined there were three non-complying real estate sales offices, specifically, Quail Ridge, Indian Spring, and Jonathan's Landing.

The Quail Ridge site could be converted and resolved through the zoning process, so it could be allowed to continue without any code changes.

The Indian Spring site required code changes to continue in its present location. Nothing could be done through the zoning process to help that site.

REGULAR AGENDA - CONTINUED

4.B.26. - CONTINUED

The Jonathan's Landing site could be resolved through the zoning process. It would be a much more extensive process because they would have to go through a development of regional impact (DRI) amendment and a Comprehensive Plan amendment in addition to a rezoning. The reason for this was that they would have to delete the shopping center that was part of Jonathan's Landing out of the PUD in order to convert the site in which the sales office was located to a commercial pod. That was because of the maximum amount of commercial pod allowed in a PUD.

- Four options identified.

Staff had identified four options on which they were seeking board direction that they would take back to the CTF. In June, they would return to the board for permission to advertise.

1. Do nothing. Do not amend the ULDC, thereby requiring the non-complying sales offices to close unless they could resolve themselves through the zoning process.
2. Allow non-complying sales offices to continue. Amend the ULDC to allow the non-complying offices to remain open, subject to certain limitations, such as maximum size, maximum number of employees, and restriction of sales to those within the PUD only.
3. Allow limited sales offices. Allow the non-complying sales offices to continue, subject to special criteria, and to allow new sales offices to open in the PUDs.

Zoning Director Whiteford later stated that staff supported option 3.

4. Extend the closure deadline an additional 24 months. This would give the non-complying sales offices more time to resolve themselves through the zoning process, move to another location, or close operation.

Commissioner Newell said he had received about 800 e-mails and letters about this issue, which he had forwarded to Ms. Carlson.

PUBLIC COMMENT:

Jennifer English and Gina Rascati, representing the Realtors Association of the Palm Beaches, endorsed the immediate closure of non-complying real estate offices.

Commissioner Newell remarked that there were real estate construction offices in the Acreage and asked staff to bring an explanation of them to the next zoning meeting. Mr. Whiteford said he would do so.

Ronald ("Ron") K. Kolins, attorney for Jonathan's Landing Property Owners Association (POA), explained his client's position of being amenable to option 3, preferring option 2, and opposing option 4.

REGULAR AGENDA - CONTINUED

4.B.26. - CONTINUED

John Brugler and Jayne Stroshein-Rousseau, representing Quail Ridge Country Club Realty, Inc. (an in-house real estate office of Quail Ridge Country Club), expressed support for options 2 and 3.

Colonel Edward Hersh and Bunny Steinman, representing Indian Spring Maintenance Association (ISMA), supported grandfathering in the non-complying sales offices.

Maxwell Lillienstein, representing Indian Spring Country Club, stated that not all residents of Indian Spring supported the on-site real estate office. At a residents' meeting, 871 signatures had been obtained from opponents to the office, he said.

Commissioner Aaronson raised the possibility of giving a one-year time extension to Quail Ridge and Indian Spring in order for them to resolve their situations and of allowing Jonathan's Landing to remain in noncompliance. Rather than make a motion, however, he said he wished to hear from the rest of the realtors. Commissioner Marcus said she would make it as a motion.

MOTION to give a one-year time extension to Quail Ridge and Indian Spring in order for them to come into conformity and to allow Jonathan's Landing to remain a non-complying sales office. Motion by Commissioner Marcus and seconded by Commissioner Greene.

Zoning Director Whiteford commented that while Indian Spring thought it could meet its criteria, his staff thought it could not. Hence, he asked if the board would take the position that if Indian Spring could, it would; if it could not, it also would be non-complying.

AMENDED MOTION to include that if Indian Spring could not meet their criteria within the one-year time extension, they would also be a non-complying sales office. The maker and seconder agreed.

Mr. Whiteford explained that under non-complying use, Indian Spring would be limited to the criteria set forth, such as maximum size and maximum number of employees. Commissioner Newell added that that meant the realty would not be allowed to expand or hire additional employees or realtors.

AMENDED MOTION to include that under non-complying use, Indian Spring would be subject to certain restrictions, such as maximum size and maximum number of employees, with no expansion or additional employees or realtors allowed. The maker and seconder agreed.

John Podesta supported a time extension for Jonathan's Landing to find and move to another location. This would bring them into compliance, he said.

Steve Kettelle, representing the Realtors Association of the Palm Beaches, explained that the association's objection to the three offices was their being in noncompliance.

Mike Owen argued that the noncompliant offices should be allowed to go through the process and that grandfathering-in was fraught with pitfalls.

REGULAR AGENDA - CONTINUED

4.B.26. - CONTINUED

Mary Malooley stated that Jonathan's Landing Realty was a corporation but the on-site sales personnel worked for Illustrated Properties. She offered for the record 14 reports of non-Jonathan's Landing residences sold in 2001 by agents working in Jonathan's Landing. Mr. Whiteford said outside sales could be made only in the company's affiliated offsite office, not in the Jonathan's Landing office.

Minnie Wells clarified that Illustrated Properties was the managing broker for Jonathan's Landing Realty. (Later discussion revealed Illustrated Properties to be an outside company.) Noting that the Jonathan's Landing site could be resolved only if the existing shopping center were removed from the PUD, Ms. Wells observed that there was no way that Albertson's shopping center wanted to be annexed into the Town of Jupiter. Commissioner Marcus commented that Jonathan's Landing POA wanted the non-complying sales office to continue.

Bates Stoddard, broker-owner of four real estate offices in the county, detailed his reasons against grandfathering in Jonathan's Landing Realty.

Jane Carlough-Meline, Morton D. Siegel, and Charles Woolard, representing Jonathan's Landing POA, corrected earlier statements of fact concerning Jonathan's Landing and spoke in favor of grandfathering in the realty. Jonathan's Landing security chief John Wagner discussed security procedures at Jonathan's Landing.

Leonard Greenberg, representing RIS, Inc., and Indian Spring Realty, Inc., spoke on behalf of his real estate sales office.

Commissioner Marcus commented that two more public hearings would be held on this item should the board give the direction contained in the motion on the floor.

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

MOTION to receive and file the documentation submitted earlier in the discussion. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 6-0. Commissioner Roberts absent.

(CLERK'S NOTE: An additional paper provided to Minutes with the above documentation was the first page of a letter, dated April 2002, from Concerned Residents of Indian Spring to the Board of County Commissioners.)

RECESS

At 12:30 p.m., the chair recessed the meeting.

RECONVENE

At 2:08 p.m., the board reconvened with Commissioners Aaronson, McCarty, Masilotti, and Newell present.

REGULAR AGENDA - CONTINUED

4.A. ITEMS PULLED FROM CONSENT

**3.C.8. RESOLUTION R-2002-0841
(AMENDS R-97-962)**

RESOLUTION FOR PETITION DOA97-31(A) (LAKE WORTH/LYONS PUD [PLANNED UNIT DEVELOPMENT]) OF CENTURY CITRUS ISLES CORPORATION, BY PRESS TOMPKINS, JR., AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO DELETE LAND AREA AND RECONFIGURE THE SITE PLAN. THE 29.47-ACRE PROPERTY IS LOCATED APPROXIMATELY 2,400 FEET SOUTH OF LAKE WORTH ROAD ON THE WEST SIDE OF LYONS ROAD. (P.O.P. 6192778 AND 6231784) ADOPTED WITH CONDITIONS 5-23-2002

Commissioner Masilotti obtained clarification on a landscaping buffer condition.

PUBLIC COMMENT: None

MOTION to adopt a resolution approving the request to delete land area and modify the site plan, subject to conditions. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

Press Tompkins, Jr., agent, agreed to the conditions.

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Greene, Marcus, and Roberts absent.

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

**3.C.10. RESOLUTION R-2002-0842
(AMENDS R-89-847, R-92-695, R-94-1318, R-97-1086, AND R-97-1299)**

RESOLUTION FOR PETITION DOA84-130(H) (VISTA CENTER DRI [DEVELOPMENT OF REGIONAL IMPACT]) OF EMERALD DUNES GOLF LLC, BY KIM JURAN, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE MASTER PLAN, ADD UNITS, AND REDESIGNATE LAND USES AND FOR A SUBSTANTIAL DEVIATION DETERMINATION. THE AFFECTED PROPERTY OF 33.5 ACRES (501.11 ACRES OVERALL) IS LOCATED AT THE NORTHEAST CORNER OF JOG ROAD AND OKEECHOBEE ROAD. (P.O.P. 6192778 AND 6231784) DETERMINED THIS WAS NOT A SUBSTANTIAL DEVIATION AND ADOPTED WITH CONDITIONS 5-23-2002

Principal Planner Kwok commented that adjacent homeowners were present to express concerns about traffic.

Kim Juran, agent, noted that the homeowners had left, adding that she agreed to all the conditions.

Land Development Director Kenneth S. Rogers reported his response to the traffic study concerns of Jim Greene.

PUBLIC COMMENT:

Commissioner Newell read the names and comments of the following persons into the record: Jim Greene, Gene J. Koalkip, David C. LaPlante, and Robert White, all of whom had traffic study concerns.

REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

3.C.10. - CONTINUED

Assistant County Attorney Banks advised that the county had no ability to reduce the traffic that was approved for this project under the DRI. The project was vested, he explained.

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

MOTION to determine that the request was not a substantial deviation. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Roberts absent.

MOTION to adopt a resolution approving the request to reconfigure the master plan, add units, and redesignate land uses, subject to conditions. Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 6-0. Commissioner Roberts absent.

**3.C.15. RESOLUTION R-2002-0843
(AMENDS R-2000-1706)**

RESOLUTION FOR PETITION DOA2000-020(A) (CYPRESS LAKES PRESERVE MUPD) OF PHOENIX 441 LAND DEVELOPMENT LTD., BY PRESS TOMPKINS, JR., AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE MASTER PLAN, MODIFY/DELETE CONDITIONS OF APPROVAL, AND ALLOW A SELF-SERVICE STORAGE FACILITY AS A REQUESTED USE. THE 5.8-ACRE PROPERTY IS LOCATED 3,600 FEET NORTH OF LANTANA ROAD ON THE WEST SIDE OF STATE ROAD 7 (U.S. 441). (P.O.P. 6192778 AND 6231784) ADOPTED WITH CONDITIONS AS AMENDED 5-23-2002

Commissioner Masilotti initiated discussion on various conditions of approval, following which he proposed that the canopy trees along the west property line be planted 20 feet on center instead of for each 20 feet of the line.

Press Tompkins, Jr., agent, agreed.

Zoning Director Whiteford clarified that the condition in question was I.1.c.

PUBLIC COMMENT: None

MOTION to adopt a resolution approving the request to reconfigure the master plan, modify/delete conditions of approval, and allow a self-service storage facility as a requested use, subject to conditions as amended. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Roberts absent.

3.C.16. RESOLUTION R-2002-0844

RESOLUTION FOR PETITION Z2002-004 (KENNA PROPERTY) OF ROBERT V. KENNA, BY JEFF IRAVANI, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM SINGLE-FAMILY RESIDENTIAL (RS) TO RESIDENTIAL TRANSITIONAL SUBURBAN (RTS). THE 9.18-ACRE PROPERTY IS LOCATED 1,200 FEET NORTH OF SEMINOLE BEACH BOULEVARD ON THE EAST AND WEST SIDES OF BANYAN BOULEVARD. (P.O.P. 6192778 AND 6231784) ADOPTED WITH VOLUNTARY COMMITMENTS AS AMENDED 5-23-2002

REGULAR AGENDA (ITEMS PULLED FROM CONSENT) - CONTINUED

3.C.16. - CONTINUED

Planner William Cross clarified to Commissioner Marcus that the petitioner could build 13 units per acre but planned on building 7 units per acre.

Jeff Iravani, agent, told Commissioner Marcus that he would agree to a voluntary commitment of 7 units per acre.

Engineering Assistant Jim Choban read the following revision to the beginning of voluntary commitment E.1: "Prior to the issuance of the first building permit for any additional subdivided lots, the Developer shall plat the subject property...." He clarified that the voluntary commitment did not provide for model homes.

PUBLIC COMMENT: None

MOTION to adopt a resolution approving the request for a rezoning from RS to TRS, subject to the voluntary commitments as amended. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 6-0. Commissioner Roberts absent.

4.C. PREVIOUSLY POSTPONED SMALL SCALE AMENDMENTS AND ZONING PETITIONS

(CLERK'S NOTE: Items 4.C.27. and 4.C.28. were considered together.)

**4.C.27. ORDINANCE 2002-024
(AMENDS ORDINANCE 89-17)**

ORDINANCE APPROVING THE REQUEST OF 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 [4-25-2002]) ADOPTED 5-23-2002

4.C.28. RESOLUTION R-2002-0845

RESOLUTION FOR 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 [4-25-2002]) ADOPTED WITH CONDITIONS AS AMENDED 5-24-2002

PUBLIC COMMENT: None

MOTION to adopt an ordinance approving the request for a future land use change from LR-2 to CL-O. Motion by Commissioner McCarty, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Roberts absent.

REGULAR AGENDA - CONTINUED

4.C.28. - CONTINUED

Commissioner Masilotti distributed and discussed a letter he had received from the Summer Chase Homeowners Association (HOA), which requested the following seven conditions:

- More densely landscaped and larger buffers sufficient in width to obscure the structures and parking areas from Lake Worth Road and the western boundary.
- Buildings not to exceed two stories.
- Outdoor lighting to be low intensity.
- One sign, as per the County specifications, with ground lighting only.
- No food service/restaurant facilities.
- No outside vehicle storage.
- No vehicle or other retail activity.

Kevin McGinley, agent, agreed to the requested conditions.

MOTION to adopt a resolution approving a rezoning request from AR to MUPD with a self-service storage facility as a requested use, subject to conditions as amended. Motion by Commissioner Masilotti and seconded by Commissioner McCarty.

Discussion centered on changes to the HOA's conditions of approval with the following made in the final resolution:

- Revised condition H.1.c:
One (1) canopy tree for each ~~thirty (30)~~ twenty (20) linear feet along the north property line, and one (1) canopy tree for each thirty (30) linear feet along the east of property line;
- Added condition O.7:
Food services, restaurant facilities, outdoor vehicle storage and vehicle rental shall be prohibited. (ONGOING/DRC: CODE ENF/ZONING - Zoning)

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

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

REGULAR AGENDA - CONTINUED

(CLERK'S NOTE: Items 4.C.29. and 4.C.30. were considered together.)

4.C.29.

**ORDINANCE 2002-025
(AMENDS ORDINANCE 89-17)**

ORDINANCE APPROVING THE REQUEST OF 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 [4-25-2002]) ADOPTED 5-23-2002

4.C.30.

RESOLUTION R-2002-0846

RESOLUTION FOR 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 [4-25-2002]) ADOPTED WITH CONDITIONS AS AMENDED 5-23-2002

PUBLIC COMMENT: None

MOTION to adopt an ordinance approving the request for a future land use change from HR-8 to CH. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 5-0. Commissioners Aaronson and Roberts absent.

Planner William Cross discussed correcting a minor error in condition D.2, which reads in the final resolution as follows:

Foundation planting or grade level planters shall be upgraded along the north side of the retail/medical office facility and the west side of the retail facility medical office building to consist of the following:

Anna S. Cottrell, agent, agreed to the conditions as amended.

MOTION to adopt a resolution approving a rezoning request from CN and RM to CG/COZ, subject to conditions as amended. Motion by Commissioner Masilotti, seconded by Commissioner Greene, and carried 5-0. Commissioners Aaronson and Roberts absent.

4.D. ZONING PETITIONS

4.D.31. See pages 10-11.

4.E. ADMINISTRATION

4.E.32. See pages 4-6.

4.F. PLANNING

4.F.33. Renumbered 5.B.35.; see page 4.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR

5.A.34.

UPDATE ON REAL ESTATE SALES OFFICES. DISCUSSED 5-23-2002

Referencing item 4.B.26. on today's agenda (see pages 11-14), Zoning Director Whiteford reiterated that he would provide a report on real estate construction offices in the Acreage.

5.B. PLANNING DIRECTOR

5.B.35. See page 4.

6. COMMISSIONER COMMENTS

6.A. COMMISSIONER MASILOTTI

6.A.36.

BEAUTIFICATION OF DOWNTOWN BELLE GLADE, PAHOKEE, AND SOUTH BAY USING SUGAR MILL LANDSCAPING FUNDS. DISCUSSED WITH DIRECTION 5-23-2002

Commissioner Masilotti said that several years previously, a sugar mill expansion in the Glades required landscaping under county code. Inasmuch as landscaping in this instance was inappropriate, the landscaping funds were placed in a separate account to be used in the Glades area at a future time. The Cities of Belle Glade, Pahokee, and South Bay wished to use those funds for downtown beautification. Access of the funds required board approval, he said.

Commissioner Newell directed County Administrator Robert Weisman to schedule the matter for a regular meeting.

No backup provided.

6.B. COMMISSIONER MCCARTY

6.B.37.

FLORIDA POWER & LIGHT COMPANY TRANSMISSION LINES IN THE INCORPORATED AND UNINCORPORATED AREAS; REFERENDUM PROPOSAL. DISCUSSED WITH DIRECTION 5-23-2002

Commissioner McCarty stated that Florida Power & Light Company (FPL) was burying power lines in the City of Boca Raton, mostly in West Boca Raton, and noted that burying power lines in a small area was extremely expensive. She proposed a countywide referendum in November 2002 to let the voters decide if they favored burying all new lines, costing it out over 30 years, and gradually burying existing overhead lines with a per person fee to be established. Overhead lines entailed the mutilation of trees, she pointed out. She suggested that this issue be put on an agenda and that the county invite municipal involvement.

COMMISSIONER COMMENTS - CONTINUED

6.B.37. - CONTINUED

It was brought out in discussion that municipalities required FPL to bury major transmission lines and that the county required new residential developments to bury their internal lines. Land Development Director Rogers said he would check into whether the county required commercial developments to bury transmission lines. Commissioner McCarty recommended a comparison of county requirements with municipal requirements, saying she believed that the county should be at least as strict as the cities about burying lines.

The board informally agreed to Commissioner McCarty's request, which she said she would relay to county administration. Commissioner Newell asked that the future agenda item include cost and added that the lines about which the board was concerned were those coming to developments as opposed to those within developments.

No backup provided.

7. ADJOURNMENT

The chair declared the meeting adjourned at 2:52 p.m.

ATTESTED:

APPROVED:

Clerk

Chair