

**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 June 19, 2002, at 9:39 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 - Absent  
Vice-Chair Carol A. Roberts  
Commissioner Burt Aaronson  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus  
Commissioner Tony Masilotti - Arrived later  
Assistant County Attorney Robert P. Banks  
Deputy Clerk Joan Haverly

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

**1.B.2. PLEDGE OF ALLEGIANCE**

**1.C. REMARKS OF THE CHAIR**

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and amendments to the Palm Beach County Unified Land Development Code, and the recommendations of the Land Use Advisory Board, Citizens Task Force, 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 June 19, 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 6-19-2002**

**MOTION to receive and file proofs of publication 418788, 6283874, 6300669, and 6318884. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 5-0. Commissioners Masilotti and Newell absent.**

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 6029562 and 6106304 [4-2-2002]; 6133597 and 6181973 [4-25-2002]; and 6192778, 6231784, and 6265703 [5-23-2002]. These public hearings were continued to today's meeting.)

(CLERK'S NOTE: The board commented upon the absence of the court reporter.)

**1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY**

**1.F. ADOPTION OF AGENDA**

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

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

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
3	3.B.6.	<b>Petition Z/CA2001-064 - Palm Beach Atlantic College:</b> Amend conditions.
3	3.B.7.	<b>Petition DOA84-152(I) - YMCA of Boca Raton:</b> Amend conditions.
6	3.B.12.	<b>Petition PDD/DOA96-81(B) - Villages of Windsor PUD:</b> Amend conditions.
9	3.G.23.	<b>Request to Amend Permitted Uses (Planning Division):</b> Postpone to July 25, 2002.

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

**3. CONSENT AGENDA - See pages 4-9.**

**4. REGULAR AGENDA - See pages 9-16.**

**5. DIRECTOR COMMENTS - See pages 16-17.**

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

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

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**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 7-25-2002 -- 6-19-2002

**POSTPONEMENTS - CONTINUED**

**2.A.2.**

**PETITION 98-78**

PETITION DOA98-78(C) (SHOPPES OF MADISON) OF HERBERT F. KAHLERT AND KARL KAHLERT, BY KILDAY & ASSOCIATES, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE MASTER PLAN, ADD SQUARE FOOTAGE, AND ALLOW A CONVENIENCE STORE WITH GAS SALES, A CAR WASH, AND A FAST FOOD RESTAURANT AS REQUESTED USES ON THE 23.84-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF JOG ROAD AND WOOLBRIGHT ROAD. (P.O.P. 6283874 AND 6318884) POSTPONED TO JULY 25, 2002 -- 6-19-2002

**2.A.3.**

**PETITION 76-6**

PETITION DOA76-6(B) (SEDONA COMMONS) OF 8190 INVESTMENT, BY JAMES EXLINE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND ADD SQUARE FOOTAGE FOR THE 2.63-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND BENOIST FARMS ROAD. (P.O.P. 6283874 AND 6318884) POSTPONED TO JULY 25, 2002 -- 6-19-2002

**2.A.4.**

**PETITION 76-101**

PETITION Z/COZ76-101(A) (PEANUT ISLAND REZONING) OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, BY WARREN H. NEWELL, CHAIR, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM PRESERVATION/CONSERVATION TO PUBLIC OWNERSHIP. THE 84.0-ACRE PROPERTY IS LOCATED 1,000 FEET NORTHEAST OF THE PORT OF PALM BEACH AND 1,500 FEET WEST OF LAKE WORTH INLET, 0.1 MILE SOUTH OF BLUE HERON BOULEVARD. (P.O.P. 418788 AND 6283874) POSTPONED TO JULY 25, 2002 -- 6-19-2002

No backup provided.

**3.D.19.**

**PETITION 79-148**

STATUS REPORT CR 79-148B/E3 FOR RESOLUTION R-98-1297 OF PETITION 79-148(B) (PALM BEACH ACURA) OF IRVING DOBBS, PETITIONER (PROPERTY OWNER: CRAIG COLLECTION INC.), TO APPROVE A TIME EXTENSION UNTIL MAY 1, 2003, TO COMPLY WITH CONDITION E.3 OF R-98-1297. POSTPONED TO JULY 25, 2002 -- 6-19-2002

**3.G.23.**

REQUEST FOR EXPANSION AND/OR MODIFICATION OF PERMITTED USES IN A RESTRICTIVE COVENANT ASSOCIATED WITH ORDINANCE 96-67, WHICH ADOPTED A LAND USE CHANGE FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW WITH AN UNDERLYING 5 UNITS PER ACRE (CL/5) ON THE 9.7-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LINTON BOULEVARD AND JOG ROAD (APPLICATION 96-103 COM 1 [LINTON/JOG]). POSTPONED TO JULY 25, 2002 -- 6-19-2002

**POSTPONEMENTS - CONTINUED**

**4.B.26.**

**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 2ND AVENUE. (P.O.P. 6133597 AND 6181973 [4-25-2002]) POSTPONED TO JULY 25, 2002 -- 6-19-2002

Zoning Director William C. Whiteford added the following items to the postponement list: 3.D.19, 3.G.23., and 4.B.26., all to July 25, 2002.

PUBLIC COMMENT: None

**MOTION to POSTPONE items 2.A.1., 2.A.2., 2.A.3., 2.A.4., 3.D.19., 3.G.23., and 4.B.26. to July 25, 2002. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 5-0. Commissioners Masilotti and Newell absent.**

**2.B. WITHDRAWALS**

**2.B.5.**

**PETITION 83-118**

PETITION Z/COZ/DOA83-118(B) (THE OFFICE PARK) OF 1310 CONGRESS PARTNERS LLC, BY DAVID CARPENTER, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) AND NEIGHBORHOOD COMMERCIAL TO GENERAL COMMERCIAL WITH A CONDITIONAL OVERLAY ZONE FOR AN ACCESSORY PARKING LOT AND FOR A DEVELOPMENT ORDER AMENDMENT TO EXPAND AN EXISTING CHARTER SCHOOL FROM 200 TO 400 STUDENTS. THE 5.22-ACRE PROPERTY IS LOCATED 1,400 FEET NORTH OF BELVEDERE ROAD ON THE EAST SIDE OF CONGRESS AVENUE. (P.O.P. 6283874 AND 6318884) WITHDRAWN BY PETITIONER; NO MOTION REQUIRED -- 6-19-2002

**3. CONSENT AGENDA**

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 Marcus, and carried 5-0. Commissioners Masilotti and Newell absent.**

**3.A. REQUESTS TO PULL ITEMS FROM CONSENT**

Commissioner Roberts pulled item 3.B.12. because public comment cards had been received; for discussion, see pages 9-10 and 15-16.

**CONSENT AGENDA - CONTINUED**

**3.B. ZONING PETITIONS**

**3.B.6.**

**a. RESOLUTION R-2002-1002**

RESOLUTION FOR PETITION Z2001-064 (PALM BEACH ATLANTIC COLLEGE) OF PALM BEACH ATLANTIC COLLEGE, BY PAUL DAVIS, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO INSTITUTIONAL AND PUBLIC FACILITIES (IPF) FOR THE 60.22-ACRE PROPERTY LOCATED 0.5 MILE EAST OF JOG ROAD ON THE NORTH SIDE OF SOUTHERN BOULEVARD. (P.O.P. 6283874 AND 6318884) ADOPTED 6-19-2002

**b. RESOLUTION R-2002-1003**

RESOLUTION FOR PETITION CA2001-064 (PALM BEACH ATLANTIC COLLEGE) OF PALM BEACH ATLANTIC COLLEGE, BY PAUL DAVIS, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A COLLEGE OR UNIVERSITY (RECREATIONAL FACILITY) ON THE 60.22-ACRE PROPERTY LOCATED 0.5 MILE EAST OF JOG ROAD ON THE NORTH SIDE OF SOUTHERN BOULEVARD. (P.O.P. 6283874 AND 6318884) ADOPTED WITH CONDITIONS AS AMENDED 6-19-2002

The amendments to the agenda sheet amended conditions A.2 and F.2 and deleted condition F.3.

**3.B.7. RESOLUTION R-2002-1004  
(AMENDS R-87-1111)**

RESOLUTION FOR PETITION DOA84-152(I) (YMCA OF BOCA RATON) OF YMCA OF SOUTH PALM BEACH COUNTY, INC., BY YOUNG SONG, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD AN ACCESS POINT, ADD SQUARE FOOTAGE, AND RECONFIGURE THE SITE PLAN FOR THE 15.0-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF TOLEDO ROAD AND PALMETTO CIRCLE SOUTH. (P.O.P. 6283874 AND 6318884) ADOPTED WITH CONDITIONS AS AMENDED 6-19-2002

The amendments to the agenda sheet deleted condition H.3 with subsequent renumbering.

**3.B.8.**

**a. RESOLUTION R-2002-1005**

RESOLUTION FOR PETITION PDD86-87(B) (SIERRA PALMS, AKA BOYSTOWN) OF CENTEX HOMES, BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM RESIDENTIAL TRANSITIONAL URBAN (RTU) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD). THE 9.56-ACRE PROPERTY IS LOCATED 3,650 FEET EAST OF JOG ROAD ON THE SOUTH SIDE OF LINTON BOULEVARD. (P.O.P. 6283874 AND 6318884) ADOPTED WITH CONDITIONS 6-19-2002

**CONSENT AGENDA - CONTINUED**

**3.B.8. - CONTINUED**

**b. RESOLUTION R-2002-1006**

RESOLUTION FOR PETITION TDR86-87(B) (SIERRA PALMS, AKA BOYSTOWN), OF CENTEX HOMES, BY ROBERT A. BENTZ, AGENT, APPROVING A TRANSFER OF DEVELOPMENT RIGHTS FOR 11 UNITS AND DESIGNATING THIS PETITION AS THE RECEIVING AREA. THE 9.56-ACRE PROPERTY IS LOCATED 3,650 FEET EAST OF JOG ROAD ON THE SOUTH SIDE OF LINTON BOULEVARD. (P.O.P. 6283874 AND 6318884) ADOPTED WITH CONDITIONS 6-19-2002

**3.B.9.**

**a. RESOLUTION R-2002-1007**

RESOLUTION FOR PETITION Z89-66(A) (PROFESSIONAL LEARNING CENTER) OF PROFESSIONAL LEARNING CENTER OF JUPITER, BY MARK ASTOR, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) TO RESIDENTIAL TRANSITIONAL URBAN (RTU). THE 1.5-ACRE PROPERTY IS LOCATED 0.2 MILE EAST OF LIMESTONE CREEK ROAD ON THE NORTH SIDE OF CHURCH STREET. (P.O.P. 6283874 AND 6318884) ADOPTED 6-19-2002

**b. RESOLUTION R-2002-1008  
(AMENDS R-90-530)**

RESOLUTION FOR PETITION DOA89-66(A) (PROFESSIONAL LEARNING CENTER) OF PROFESSIONAL LEARNING CENTER OF JUPITER, BY MARK ASTOR, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND MODIFY A CONDITION OF APPROVAL (LIMITATION ON NUMBER OF CHILDREN). THE 1.5-ACRE PROPERTY IS LOCATED 0.2 MILE EAST OF LIMESTONE CREEK ROAD ON THE NORTH SIDE OF CHURCH STREET. (P.O.P. 6283874 AND 6318884) ADOPTED WITH CONDITIONS 6-19-2002

**3.B.10. RESOLUTION R-2002-1009  
(AMENDS R-2001-0001)**

RESOLUTION FOR PETITION DOA98-89(B) (CHS PROPERTIES) OF CHS PROPERTIES, BY KILDAY & ASSOCIATES, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE MASTER PLAN, REDESIGNATE LAND USES, AND ALLOW A FAST FOOD RESTAURANT. THE 27.56-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CONGRESS AVENUE AND RANCH HOUSE ROAD. (P.O.P. 6283874 AND 6318884) ADOPTED WITH CONDITIONS 6-19-2002

**3.B.11. RESOLUTION R-2002-1010  
(AMENDS R-2001-0825)**

RESOLUTION FOR PETITION DOA76-139(E) (SHERBROOKE ESTATES PUD) OF VILLAGES OF WINDSOR, BY ROBERT A. BENTZ, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO DELETE LAND AREA (5.19 ACRES) FROM THE 535.190-ACRE PROPERTY LOCATED 1.0 MILE NORTH OF HYPOLUXO ROAD ON THE EAST SIDE OF LYONS ROAD. (P.O.P. 6283874, 6300669, AND 6318884) ADOPTED WITH CONDITIONS 6-19-2002

**CONSENT AGENDA - CONTINUED**

**3.B.12.** See pages 9-10 and 15-16.

**3.C. PREVIOUSLY POSTPONED STATUS REPORTS**

**3.C.13. PETITION 97-113**

STATUS REPORT SR 97-113 FOR RESOLUTION R-98-305 OF PETITION 97-113 (SUNBEAM SUPPLY) OF HOWARD R. HOLLOWAY, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION TO FEBRUARY 26, 2004. THE 0.41-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF JOSEPH ROAD AND JOG ROAD AND IS ZONED COMMERCIAL LOW OFFICE. APPROVED 6-19-2002

**3.D. STATUS REPORTS**

**3.D.14. PETITION 86-13**

STATUS REPORT SR 86-13.7 FOR RESOLUTIONS R-86-573-26 AND R-86-573-27 OF PETITION 86-13 (BELFER OFFICE PARK) OF FORREST C. MOBLEY, TRUSTEE, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL APRIL 22, 2003, FOR BOTH RESOLUTIONS. THE 6.9-ACRE PROPERTY IS LOCATED 200 FEET WEST OF MILITARY TRAIL ON THE SOUTH SIDE OF GUN CLUB ROAD AND IS ZONED SPECIALIZED COMMERCIAL WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK. APPROVED 6-19-2002

**3.D.15. PETITION 93-27**

STATUS REPORT SR 93-27.5 FOR RESOLUTIONS R-94-499 AND R-94-500 OF PETITION 93-27 (MT. NEBO CEMETERY) OF JEFFREY M. ROSENBERG, JR., PETITIONER (PROPERTY OWNER: PEBB ENTERPRISES UNIVERSITY BANK BUILDING LTD.), TO APPROVE A TIME EXTENSION UNTIL APRIL 28, 2004, FOR BOTH RESOLUTIONS AND TO COMPLY WITH CONDITION E.1 OF R-94-500. THE 37.3-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DILLMAN ROAD AND STATE ROAD 7 (U.S. 441) AND IS ZONED RESIDENTIAL TRANSITIONAL WITH A CLASS A CONDITIONAL USE ALLOWING A CEMETERY. APPROVED 6-19-2002

**3.D.16. RESOLUTION R-2002-1011  
(AMENDS R-97-770)**

RESOLUTION FOR STATUS REPORT SR 1997-017 FOR RESOLUTIONS R-97-769 AND R-97-770 OF PETITION 97-17 (GROVE EXCAVATION) OF MECCA FARMS, INC., PETITIONER-PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (EXCAVATION REPORTS) IN R-97-770 AND APPROVE A TIME EXTENSION UNTIL MARCH 31, 2003, TO COMMENCE DEVELOPMENT. THE 225.0-ACRE PROPERTY IS LOCATED 0.7 MILE NORTH OF NORTHLAKE BOULEVARD ON THE EAST SIDE OF SEMINOLE PRATT WHITNEY ROAD AND IS ZONED SPECIAL AGRICULTURE WITH A CLASS A CONDITIONAL USE FOR A TYPE III EXCAVATION. ADOPTED RESOLUTION WITH CONDITIONS AND APPROVED TIME EXTENSION -- 6-19-2002

**CONSENT AGENDA - CONTINUED**

**3.D.17.**

**PETITION 98-58**

STATUS REPORT SR 1998-058 FOR RESOLUTION R-99-706 OF PETITION 98-58 (MELROSE EAST REZONING) OF HOVSONS, INC., PETITIONER (PROPERTY OWNER: MELROSE LAND HOLDING ENTERPRISES, INC.), TO APPROVE A TIME EXTENSION TO APRIL 22, 2004, FOR R-99-706. THE 12.73-ACRE PROPERTY IS LOCATED 1.0 MILE SOUTH OF HYPOLUXO ROAD ON THE EAST SIDE OF THE FLORIDA TURNPIKE AND THE LAKE WORTH DRAINAGE DISTRICT L-20 CANAL AND IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN. APPROVED 6-19-2002

**3.D.18.**

**PETITION 98-63**

STATUS REPORT SR 1998-063 FOR RESOLUTIONS R-99-697 AND R-99-669 OF PETITION 98-63 (ST. NICHOLAS MELKITE MISSION) OF ST. NICHOLAS MELKITE MISSION, PETITIONER (PROPERTY OWNER: DIOCESE OF NEWTON FOR MELKITES IN UNITED STATES OF AMERICA, INC.), TO APPROVE A TIME EXTENSION UNTIL APRIL 22, 2004, FOR BOTH RESOLUTIONS. THE 4.55-ACRE PROPERTY IS LOCATED 1,300 FEET EAST OF EL CLAIR RANCH ROAD ON THE NORTH SIDE OF LAKE IDA ROAD AND IS ZONED MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) WITH A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP, GENERAL DAYCARE, AND TYPE 3 CONGREGATE LIVING FACILITY. APPROVED 6-19-2002

**3.D.19.** See pages 3 and 4.

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

**3.E.20.**

**ADMINISTRATIVE INQUIRY 2002-02**

ADMINISTRATIVE INQUIRY 2002-02 CONCERNING A CASH-OUT ON THE 2.25-ACRE PRIVATE CIVIC SITE IN THE BOYWIC PLANNED UNIT DEVELOPMENT LOCATED ON THE WEST SIDE OF LYONS ROAD BETWEEN LANTANA ROAD AND BOYNTON BEACH BOULEVARD - PETITION 2000-071. STAFF RECOMMENDATION IS APPROVAL OF THE CASH-OUT FOR \$150,000 AND EARMARKING OF THIS MONEY FOR FUTURE DEVELOPMENT OF THE CIVIC SITE ASSEMBLAGE IN WEST BOYNTON BEACH. APPROVED 6-19-2002

**3.F. TDR CONTRACT, ESCROW AGREEMENT, AND DEED**

**3.F.21.**

**a.**

**DOCUMENT R-2002-1012**

CONTRACT WITH M/I SCHOTTENSTEIN HOMES, INC., FOR THE SALE AND PURCHASE OF 25 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE PALM BEACH COUNTY TDR BANK AT A PURCHASE PRICE OF \$10,399 PER UNIT FOR A TOTAL PRICE OF \$259,975. (PETITION PDD/TDR 2001-059 [BETHESDA PLANNED UNIT DEVELOPMENT, A 23.1-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKE IDA ROAD AND HAGEN RANCH ROAD]). APPROVED 6-19-2002

**CONSENT AGENDA - CONTINUED**

**3.F.21. - CONTINUED**

**b.**

**DOCUMENT R-2002-1013**

ESCROW AGREEMENT WITH M/I SCHOTTENSTEIN HOMES, INC., FOR THE SALE AND PURCHASE OF 25 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE PALM BEACH COUNTY TDR BANK AT A PURCHASE PRICE OF \$10,399 PER UNIT FOR A TOTAL PRICE OF \$259,975. (PETITION PDD/TDR 2001-059 [BETHESDA PLANNED UNIT DEVELOPMENT, A 23.1-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKE IDA ROAD AND HAGEN RANCH ROAD]). (SEE R-2002-0624) APPROVED 6-19-2002

**3.F.22.**

**DOCUMENT R-2002-1014**

DEED CONVEYING 25 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS TO M/I SCHOTTENSTEIN HOMES, INC., WITH BETHESDA PLANNED UNIT DEVELOPMENT (PUD) AS THE TDR RECEIVING AREA FOR THOSE UNITS. (PETITION PDD/TDR 2001-059 [BETHESDA PUD, A 23.1-ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAKE IDA ROAD AND HAGEN RANCH ROAD]). (SEE R-2002-0624) APPROVED 6-19-2002

**3.G. REQUEST TO AMEND PERMITTED USES (PLANNING DIVISION)**

**3.G.23.** See pages 3 and 4.

**4. REGULAR AGENDA**

**4.A. ITEM PULLED FROM CONSENT AGENDA**

**3.B.12.**

**a.**

RESOLUTION FOR PETITION PDD96-81(B) (VILLAGES OF WINDSOR PUD) OF VILLAGES OF WINDSOR, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE PROPERTY--587.3 ACRES (EXISTING); +9.85 ACRES (PROPOSED)--LOCATED AT THE NORTHEAST, SOUTHEAST, AND SOUTHWEST CORNERS OF HYPOLUXO ROAD AND LYONS ROAD. (P.O.P. 6283874 AND 6318884)

**b.**

RESOLUTION FOR PETITION DOA96-81(B) (VILLAGES OF WINDSOR PUD [PLANNED UNIT DEVELOPMENT]) OF VILLAGES OF WINDSOR, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA, ADD UNITS, AND RECONFIGURE THE MASTER PLAN FOR THE PROPERTY--587.3 ACRES (EXISTING); +9.85 ACRES (PROPOSED)--LOCATED AT THE NORTHEAST, SOUTHEAST, AND SOUTHWEST CORNERS OF HYPOLUXO ROAD AND LYONS ROAD. (P.O.P. 6283874 AND 6318884)

(CLERK'S NOTE: Condition I.1 was modified on the amendments to the agenda sheet.)

**REGULAR AGENDA (ITEM PULLED FROM CONSENT AGENDA) - CONTINUED**

**3.B.12. - CONTINUED**

**PUBLIC COMMENT:**

Wendy Jacobs expressed concern that her property had no drainage and that the petitioner was proposing to block off the body of water behind her property.

Engineering Assistant Jim Choban responded that staff could add a condition of approval requiring drainage to be maintained along the wall. Commissioner Roberts agreed.

Debra Somogyi discussed the following concerns: lack of drainage, loss of golf course view, and loss of view of and access to the water.

Joe Lelanek, agent, offered to pull back the wall and landscaping but stated that to pull the landscaping back from the property line would require a waiver of county code. Zoning Director Whiteford commented that while the code required a landscape buffer around a PUD perimeter, it also allowed for what was called an alternative landscape plan. Under the plan, the amount of landscape material required was not reduced but moved to a sensible, agreed-upon location after working with the agent and affected property owner(s). He said staff could put a note on the plan and add a condition that the landscaping adjacent to Ms. Somogyi's property would be subject to an alternative landscape plan incorporating the feedback at today's meeting. Commissioners Aaronson and Roberts agreed.

Mr. Lelanek noted that the amount of signal funding had been omitted from condition E.20 and clarified that "recreation pod" in condition K.13 should be "PUD."

Mr. Choban read the following new condition:

Construction of the proposed wall adjacent to the Sherbrooke PUD shall incorporate any existing drainage from the Sherbrooke PUD into this project's drainage system.

Mr. Lelanek objected that the condition required Villages of Windsor to accept all the drainage from the Sherbrooke property, which was not the case. After continued discussion, Commissioner Aaronson suggested continuing with the rest of the agenda while staff and petitioner worked on the condition language.

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

**REORDER THE AGENDA**

**MOTION to reorder the agenda to place item 3.B.12. at the end of the agenda. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 5-0. Commissioner Newell absent.**

(CLERK'S NOTE: For continued discussion of item 3.B.12., see pages 15-16.)

(CLERK'S NOTE: Resolutions R-2002-1015 and R-2002-1016 were numbered out of order.)

**REGULAR AGENDA - CONTINUED**

**4.B. PREVIOUSLY POSTPONED ZONING PETITIONS**

**4.B.24. RESOLUTION R-2002-1017**

RESOLUTION FOR PETITION PDD97-4(B) (KEREKES PLAZA) OF DON STILLER, BY ROBERT E. BASEHART, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) AND RESIDENTIAL ESTATES (RE) TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) AND TO ALLOW A GENERAL REPAIR AND MAINTENANCE FACILITY, A CONVENIENCE STORE WITH GAS SALES, AND A CAR WASH 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 [5-23-2002]) ADOPTED WITH CONDITIONS AS AMENDED 6-19-2002

(CLERK'S NOTE: A handout amending conditions B.1, B.2, and B.3 (architectural review) was distributed.)

Principal Planner Maryann Kwok said that two groups had outstanding issues with the petition:

- Coalition of Boynton West Residential Associations (COBWRA).
  1. Outparcel features. The developer had agreed to provide a fountain on a future outparcel, but staff recommended shade structures with climbing vines and benches. The petitioner had not yet provided, as promised, a detailed plan for staff and COBWRA review.
  2. Additional traffic signal on Jog Road. The developer had agreed to provide an additional traffic signal on Jog Road, as requested by COWBRA, but Engineering staff objected it would be too close to the intersection of Jog Road and Boynton Beach Boulevard.
- Country Fair Homeowners Association (HOA).
  1. Rodent control. Condition R.1 required the developer to enter into a contract with a licensed exterminator to kill rodents disturbed during demolition of existing structures on the property. The HOA wanted the property owner association for the shopping center to be responsible for ongoing rodent control.
  2. Foundations of existing homes. The HOA was concerned that digging the foundation for the shopping center would impact the foundations of existing homes.

Richard E. Basehart, agent, addressed the concerns:

- Outparcel features. The petitioner would agree to provide not only a fountain, pedestrian system, and green area on the outparcel, but shade structures and benches as well. He would submit a design with the Development Review Committee application and would work out the details with COWBRA prior to approval of the site plan.

## REGULAR AGENDA - CONTINUED

### 4.B.24. - CONTINUED

- Rodent control. The petitioner would provide for rodent extermination before demolition and construction. Also, he had agreed to include in his lease a requirement that each tenant institute an internal extermination program for the tenant's unit; the shopping center itself would be responsible for exterior extermination. The Palm Beach County Health Department would regulate ongoing rodent control because the shopping center would include restaurants.
- Foundations of existing homes. The petitioner's engineers did not believe that the vibrating rollers used in preparing the shopping center's foundation would impact the foundations of surrounding residences. The petitioner had agreed, however, to use low-density vibrators in the areas closest to the perimeter.
- Additional traffic signal on Jog Road. The petitioner agreed with COWBRA that a second traffic signal was warranted, even if his project were not developed. Accordingly, the petitioner had agreed to fund a synchronization study to determine whether a second signal could be installed without adversely impacting traffic flow and to fund the installation of the signal.

Land Development Director Kenneth S. Rogers explained why staff considered an additional traffic signal would be inappropriate. Staff recommended installation of a peanut (directional median opening) and inclusion of a condition that should a traffic signal become necessary in the future, that the property owner would fund its installation.

#### PUBLIC COMMENT:

Joanne Woehlkins, vice-president of Country Fair HOA, discussed the HOA's concerns about rodent control, residential foundation damage, construction debris in lake system water pipes, and the additional traffic signal. The petitioner had agreed on reduced hours of operation, she said, and, in a private agreement, on installing fencing along Jog Road.

Sandra Greenberg, vice-president of COWBRA, asked if the petitioner would use low-impact vibration equipment throughout the foundation of the entire building. Mr. Basehart agreed. Ms. Greenberg then discussed the need for a second traffic signal and asked that it be installed now.

Commissioner Masilotti asked that the petitioner's synchronization study include a delay factor analysis of the second traffic signal. Mr. Basehart agreed.

Commissioner Aaronson remarked that changing the traffic signal rules would change the level of service but added that if the county changed its signalization rules in this instance, it should change those rules for everybody. He would willingly spend his district road money installing traffic signals, he said. Mr. Aaronson commented that a workshop might be necessary to discuss the matter.

Commissioner Marcus characterized the county's traffic analysis as flawed and proposed that future development traffic studies factor in all needed signals, including those at a much shorter distance than currently required. She recommended that the petitioner's concurrency certificate and all future concurrency certificates include buildout dates and requested that the petitioner's traffic study include existing and proposed traffic volumes.

## REGULAR AGENDA - CONTINUED

### 4.B.24. - CONTINUED

Commissioner McCarty said that the purpose of traffic signals was to move traffic safely and effectively, not to slow it down. She suggested that traffic signals close to intersections be pedestrian-activated.

Mr. Basehart agreed to all the conditions discussed in the meeting as well as those in the staff report.

Principal Planner Kwok read the following new conditions:

- Condition B.4:

The creation of any building foundation shall be performed by low impact vibration equipment.

- Condition R.2:

The POA document shall include a provision that the POA shall be responsible for ongoing, perpetual rodent and pest control.

Ms. Kwok said that condition R.1 would be modified for consistency with condition R.2.

Engineering Assistant Choban read the following new traffic signal condition:

The property owner shall fund the installation of a traffic signal if and when warranted as determined by the County Engineer. Surety required for this signal shall be posted prior to the issuance of the first building permit and shall in remain effect for a twenty (20) year time period.

Commissioner Roberts noted that the board had wanted a condition concerning the petitioner's traffic study. Commissioner Aaronson agreed.

Mr. Basehart clarified that the petitioner had agreed to reduce the hours of delivery, not the hours of operation. He explained that a condition specified that deliveries would not be allowed between 10:00 p.m. and 7:00 a.m. In discussing the issue with Country Fair HOA, he said, the petitioner had agreed that no deliveries would take place between 8:00 p.m. and 7:00 a.m. Zoning Director Whiteford said that condition Q.2.d would be modified accordingly.

**MOTION to adopt a resolution approving the request for a rezoning from AR and RE to MUPD and for a general repair and maintenance facility, a convenience store with gas sales, and a car wash, subject to conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 6-0. Commissioner Newell absent.**

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

**REGULAR AGENDA - CONTINUED**

**4.B.25.**

**RESOLUTION R-2002-1018**

RESOLUTION FOR 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 [5-23-2002]) ADOPTED WITH CONDITIONS AS AMENDED 6-19-2002

**MOTION to adopt a resolution approving the request for a class A conditional use to allow a charter school for 550 students, subject to conditions. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.**

Zoning Director Whiteford commented that a condition had been revised and agreed to by the agent.

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

PUBLIC COMMENT:

Floyd Bailey, Beth Brill, Annalise Henderson, Denise Kaufman, and Gail Kressal indicated their support and waived their right to speak.

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

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

**4.B.26.** See pages 3 and 4.

**4.C. ZONING PETITIONS**

**4.C.27.**

**PETITION 2001-067**

RESOLUTION FOR PETITION CA2001-067 (GATOR LEASING) OF GATOR LEASING, BY LAND DESIGN SOUTH, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW TRUCK RENTAL WITH ACCESSORY WHOLESALE FUEL ON THE 2.73-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF PROSPECT AVENUE BETWEEN ENTERPRISE AVENUE AND CENTRAL INDUSTRIAL AVENUE. (P.O.P. 6283874 AND 6318884) POSTPONED TO JULY 25, 2002 -- 6-19-2002

Discussion centered on one issue: the staff- and Zoning Commission-recommended a 12-foot-high monument sign versus the petitioner-recommended 20-foot-high pole sign. Commissioner Marcus informed the board that the City of Riviera Beach supported the staff-recommended condition.

Jennifer Morton and Santiago Ecamentura, agents, addressed the board on the issue. Mr. Ecamentura offered a compromise of a 15-foot-high sign on pylons.

Commissioner Marcus proposed a 30-day postponement to enable the petitioner to present the compromise to the City of Riviera Beach.

**REGULAR AGENDA - CONTINUED**

**4.C.27. - CONTINUED**

**MOTION to POSTPONE the item for 30 days (July 25, 2002). Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Newell absent.**

**ITEM PULLED FROM CONSENT AGENDA - CONTINUED**

(CLERK'S NOTE: For earlier discussion of the following item, see pages 9-10.)

**3.B.12.**

**a. RESOLUTION R-2002-1015**

RESOLUTION FOR PETITION PDD96-81(B) (VILLAGES OF WINDSOR PUD) OF VILLAGES OF WINDSOR, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL (AR) TO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) FOR THE PROPERTY--587.3 ACRES (EXISTING); +9.85 ACRES (PROPOSED)--LOCATED AT THE NORTHEAST, SOUTHEAST, AND SOUTHWEST CORNERS OF HYPOLUXO ROAD AND LYONS ROAD. (P.O.P. 6283874 AND 6318884) ADOPTED SUBJECT TO CONDITIONS IN R-2002-1016 - 6-19-2002

**b. RESOLUTION R-2002-1016**

RESOLUTION FOR PETITION DOA96-81(B) (VILLAGES OF WINDSOR PUD) OF VILLAGES OF WINDSOR, BY LAND DESIGN SOUTH, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA, ADD UNITS, AND RECONFIGURE THE MASTER PLAN FOR THE PROPERTY--587.3 ACRES (EXISTING); +9.85 ACRES (PROPOSED)--LOCATED AT THE NORTHEAST, SOUTHEAST, AND SOUTHWEST CORNERS OF HYPOLUXO ROAD AND LYONS ROAD. (P.O.P. 6283874 AND 6318884) ADOPTED WITH CONDITIONS AS AMENDED 6-19-2002

Engineering Assistant Choban told Commissioner Roberts that the disputed drainage condition language had been resolved and read the following new condition E.21:

The property owner shall accommodate, as part of the PUD drainage system, all overland drainage flowing onto the PUD from off the property as per South Florida Water Management District requirements.

Zoning Director Whiteford read the following new landscaping condition:

The landscaping in the buffer along the northwest corner of pod F, adjacent to [Ms. Somogy's] lot, shall be subject to an alternative landscape plan approved by the Zoning Division. The alternative landscape plan shall preserve the existing golf course views of the affected lot.

Agent Lelanek agreed to both conditions.

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

**REGULAR AGENDA (ITEM PULLED FROM CONSENT AGENDA) - CONTINUED**

**3.B.12. - CONTINUED**

**MOTION to adopt a resolution approving the request for a rezoning from the agricultural residential to the residential planned unit development district. Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 5-0. Commissioners Marcus and Newell absent.**

**MOTION to adopt a resolution approving the request for a development order amendment to add land area, add units, and reconfigure the site plan, subject to the conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 5-0. Commissioners Marcus and Newell absent.**

(CLERK'S NOTE: Board action actually consisted of one action, i.e., approving a rezoning from AR to PUD with conditions as amended. Following the meeting, Assistant County Attorney Banks advised the Minutes Division that, "The intent of the BCC was to adopt both resolutions.")

**5. DIRECTOR COMMENTS**

**5.A. ZONING DIRECTOR**

**5.A.28.**

PERMISSION TO ADVERTISE THE REAL ESTATE SALES OFFICE ORDINANCE. APPROVED ADVERTISING FOR FIRST PUBLIC HEARING ON JULY 23, 2002 -- 6-19-2002

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

**MOTION to approve the advertisement of the real estate sales office ordinance for first public hearing on July 23, 2002. Motion by Commissioner Marcus and seconded by Commissioner Aaronson.**

**PUBLIC COMMENT:**

Steve Kettelle, president of Realtors Association of the Palm Beaches, said that allowing the three non-complying real estate sales offices to remain open would set a precedent by which offices in other developments would seek similar support from the board. He added that the Citizens Task Force had both "consistently opposed the exemption" and maintained it was not consistent with the Comprehensive Plan.

Ronald ("Ron") K. Kolins, attorney for Jonathan's Landing Property Owners Association, commented that only one sales office would be grandfathered and that there would be no others in the future.

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

**5.A.29.**

MODEL HOMES. DISCUSSED 6-19-2002

Zoning Director Whiteford discussed a handout on sales models in the Acreage and elsewhere--their code requirements, special permits, locational criteria, constraints, life term, and conversion to single-family residences.

**DIRECTOR COMMENTS - CONTINUED**

**5.A.29. - CONTINUED**

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

**6. COMMISSIONER COMMENTS**

**6.A. COMMISSIONER AARONSON**

**6.A.30.**

APPOINTMENT OF FRED ANGELO TO THE HOUSING FINANCE AUTHORITY.  
APPROVED 6-19-2002

Commissioner Aaronson said he wished to make an appointment to the Housing Finance Authority inasmuch as it lacked a quorum to hold meetings. Commissioner Roberts observed that the board had agreed to do this at their regular meeting held yesterday.

**MOTION to appoint Fred Angelo to the Housing Finance Authority under the labor provision. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Greene and Newell absent.**

No backup provided.

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

**6.B. COMMISSIONER MARCUS**

**6.B.31.**

APPOINTMENT OF JACKIE CHIDO TO THE HOUSING FINANCE AUTHORITY  
TO REPLACE ROGER SAVAGE. APPROVED 6-19-2002

**MOTION to appoint Jackie Chido to the Housing Finance Authority, under the banking provision, to replace Roger Savage. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 6-0. Commissioner Newell absent.**

**7. ADJOURNMENT**

**The chair declared the meeting adjourned at 11:25 a.m.**

ATTESTED:

APPROVED:

Clerk

Chair