

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 26, 2003, 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 Karen T. Marcus
Vice-Chair Tony Masilotti - Absent
Commissioner Burt Aaronson
Commissioner Addie L. Greene
Commissioner Jeff Koons
Commissioner Mary McCarty
Commissioner Warren H. Newell
Assistant County Attorney Robert P. Banks
Clerk Dawn Whyte

1.B.1. INVOCATION - Commissioner Koons

1.B.2. PLEDGE OF ALLEGIANCE

(CLERK'S NOTE: Commissioners Greene and McCarty left the meeting.)

1.C. PROOF OF PUBLICATION APPROVED 6-26-2003

MOTION to receive and file proofs of publication 7254883, 7254925, and 7340037. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 4-0. Commissioners Greene, McCarty, and Masilotti absent.

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 6715417 [12-9-2002]; 6981413 and 6981447 [3-27-2003]; and 7062392 and 7128625 [4-24-2003].)

(CLERK'S NOTE: Commissioners Greene and McCarty rejoined the meeting.)

1.D. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.E. ADOPTION OF AGENDA

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

1.E.1. AMENDMENTS TO THE AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
3	3.C.7.	Petition DOA84-1301 - Vista Center DRI:

Add a third motion to read as follows:

MOTION: To adopt a resolution approving the request for a Development Order Amendment to revise the DRI plan.

POSTPONEMENTS - CONTINUED

2.A.2.

PETITION 2002-037

RESOLUTION FOR PETITION PDD2002-037 (MASTROIANNI MUPD) OF RONALD MASTROIANNI AND DAVID MOSCARELLI, BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT DISTRICT (MUPD) FOR THE 9.15-ACRE PROPERTY LOCATED APPROXIMATELY 330 FEET WEST OF THE FLORIDA TURNPIKE ON THE SOUTH SIDE OF LAKE WORTH ROAD. (P.O.P. 7062392 AND 7128625 [4-24-2003]) APPROVED POSTPONEMENT BY ZONING COMMISSION TO JULY 24, 2003 - 6-26-2003

2.A.3.

PETITION 85-61

RESOLUTION FOR PETITION DOA85-61(D) (HOME DEPOT PLAZA) OF HOME DEPOT USA, BY PETER VAN RENS, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE MASTER PLAN AND ADD SQUARE FOOTAGE. THE 15.46-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF LAKE WORTH ROAD AND NORTH PRICE STREET. (P.O.P. 7254883 AND 7254925) APPROVED POSTPONEMENT BY ZONING COMMISSION TO JULY 24, 2003 - 6-26-2003

2.A.4.

PETITION 75-68

RESOLUTION FOR PETITION DOA75-68(U) (LOGGERS RUN SHOPPING CENTER) OF BOCA FITNESS ENTERPRISES, INC., BY MICHAEL POSNER, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ALLOW A FITNESS CENTER IN EXCESS OF 15,000 SQUARE FEET ON THE 16.12-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF PALMETTO PARK ROAD AND PONDEROSA DRIVE. (P.O.P. 7254883 AND 7254925) APPROVED POSTPONEMENT BY ZONING COMMISSION TO JULY 24, 2003 - 6-26-2003

3.E.18.

PETITION 87-144

CORRECTIVE RESOLUTION FOR STATUS REPORT SE1987-144 FOR PETITION 87-144 (HAGEN RANCH PROPERTIES) TO CORRECT THE SIXTH WHEREAS CLAUSE OF RESOLUTION R-89-331. POSTPONED TO JULY 24, 2003 - 6-26-2003

Zoning Director William C. Whiteford noted that this item was requested for postponement to July 24, 2003, on the amendments to the agenda sheet.

PUBLIC COMMENT: None

MOTION to POSTPONE items 2.A.1., 2.A.2., 2.A.3., 2.A.4., and 3.E.18. to July 24, 2003. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 6-0. Commissioner Masilotti absent.

2.B. WITHDRAWALS

2.B.5. PETITION 2001-017

RESOLUTION FOR PETITION EAC2001-017(A) (10TH & BOUTWELL BP) OF BP PRODUCTS NORTH AMERICA INC., BY TIMOTHY BAUER, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION TO MODIFY/DELETE CONDITION OF APPROVAL FOR THE 1.0-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 10TH AVENUE NORTH AND BOUTWELL ROAD. (P.O.P. 6715417 [12-9-2002]) WITHDRAWN BY PETITIONER; NO MOTION REQUIRED -- 6-26-2003

3. CONSENT AGENDA

PUBLIC COMMENT: None

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

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

3.B. PREVIOUSLY POSTPONED ZONING PETITIONS

3.B.6. RESOLUTION R-2003-0936

RESOLUTION FOR PETITION Z2002-064 (JOHNSON PROPERTY LINEAR PARK) OF G.B. ENTERPRISES OF SOUTHWEST FLORIDA, BY GEORGE G. GENTILE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO PUBLIC OWNERSHIP FOR THE 24.25-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE EAST OF JOG ROAD, BOUNDED ON THE NORTH AND SOUTH BY BELVEDERE ROAD AND SOUTHERN BOULEVARD. (P.O.P. 6981413 AND 6981447 (3-27-2003)) ADOPTED WITH CONDITIONS 6-26-2003

3.C ZONING PETITIONS

3.C.7.

**a. RESOLUTION R-2003-0937
(AMENDS R-89-847, R-92-695, R-94-1318,
R-97-1086, R-97-1299, R-2001-0807, R-2001-2076,
R-2001-2077, AND R-2002-0842)**

RESOLUTION FOR PETITION DOA84-130(I) (VISTA CENTER DRI [DEVELOPMENT OF REGIONAL IMPACT]) OF PALM BEACH COMMERCE ASSOCIATES LTD., BY KIM JURAN, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO REDESIGNATE LAND USES AND FOR A SUBSTANTIAL DEVIATION DETERMINATION. THE AFFECTED PROPERTY OF 493.6 ACRES IS LOCATED AT THE NORTHWEST CORNER OF FLORIDA'S TURNPIKE AND OKEECHOBEE BOULEVARD. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS AS AMENDED 6-26-2003

CONSENT AGENDA - CONTINUED

3.C.7. - CONTINUED

- b.** **RESOLUTION R-2003-0938
(REVOKES R-2002-0842)
(AMENDS R-2001-2076 AND R-2001-2077)**

RESOLUTION FOR PETITION 84-130(I) (VISTA CENTER DRI [DEVELOPMENT OF REGIONAL IMPACT]) OF PALM BEACH COMMERCE ASSOCIATES LTD., BY KIM JURAN, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO REVISE THE DRI PLAN. THE AFFECTED PROPERTY OF 493.6 ACRES IS LOCATED AT THE NORTHWEST CORNER OF FLORIDA'S TURNPIKE AND OKEECHOBEE BOULEVARD. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS AS AMENDED 6-26-2003

- c.** **PETITION 84-130(I)**

PETITION DOA84-130(I) (VISTA CENTER DRI [DEVELOPMENT OF REGIONAL IMPACT]) OF PALM BEACH COMMERCE ASSOCIATES LTD., BY KIM JURAN, AGENT, TO FIND THE REQUEST IS NOT A SUBSTANTIAL DEVIATION. THE PROPERTY -- 493.6 ACRES -- IS LOCATED AT THE NORTHWEST CORNER OF FLORIDA'S TURNPIKE AND OKEECHOBEE BOULEVARD. (P.O.P. 7254883 AND 7254925) APPROVED 6-26-2003

- 3.C.8.** **RESOLUTION R-2003-0939
(AMENDS R-98-2038)**

RESOLUTION FOR PETITION DOA87-006(D) (LEXUS OF PALM BEACH) OF AUTONATION IMPORTS OF PALM BEACH, INC., BY KIM JURAN, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA AND PARKING SPACES. THE 4.04-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF CONGRESS AVENUE AND OKEECHOBEE BOULEVARD. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS 6-26-2003

- 3.C.9.** **RESOLUTION R-2003-0940
(AMENDS R-2000-1708)**

RESOLUTION FOR PETITION DOA92-023(D) (BMC/WAL-MART) OF BELVEDERE MILITARY CORP AND PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, BY KIERAN J. KILDAY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO DELETE LAND AREA. THE 22.41-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF MILITARY TRAIL AND BELVEDERE ROAD. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS 6-26-2003

- 3.C.10.** **RESOLUTION R-2003-0941**

RESOLUTION FOR PETITION Z2003-017 (PALM BEACH COUNTY RPZ [RUNWAY PROTECTION ZONE]) OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM A MULTIPLE USE PLANNED DEVELOPMENT TO PUBLIC OWNERSHIP FOR THE 2.37-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF BELVEDERE ROAD AND COUNTRY CLUB ROAD. (P.O.P. 7254883 AND 7254925) ADOPTED WITH VOLUNTARY COMMITMENTS 6-26-2003

CONSENT AGENDA - CONTINUED

3.D. STATUS REPORTS

(CLERK'S NOTE: Items 3.D.11. and 3.D.12. were discussed together.)

3.D.11. PETITION NPN-13.2

STATUS REPORT SR NPN-13.2 FOR RESOLUTIONS R-94-1469, R-98-1108, AND R-98-1109 OF PETITION NPN-13 (CORAL LAKES PUD) OF ORIOLE HOMES, PETITIONER (PROPERTY OWNER: VIA PALMA DELRAY, INC.), TO APPROVE A TIME EXTENSION UNTIL MAY 10, 2005 FOR THE 34.18-ACRE PROPERTY LOCATED AT THE NORTH AND SOUTH SIDES OF VIA DELRAY, ON THE EAST SIDE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL. APPROVED 6-26-2003

3.D.12. PETITION 87-032B.7

STATUS REPORT SR 1987-032B.7 FOR RESOLUTIONS R-91-244 AND R-91-245 OF PETITION 87-032B (HIPPOCRATES HEALTH INSTITUTE CLF [CONGREGATE LIVING FACILITY]) OF JACK E. COOK AND WILLIE H. DAY, PETITIONERS (PROPERTY OWNER: HIPPOCRATES HEALTH INSTITUTE OF FLORIDA, INC.), TO APPROVE A TIME EXTENSION UNTIL APRIL 26, 2005 FOR BOTH RESOLUTIONS. THE 9.87-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.5 MILE NORTH OF BELVEDERE ROAD ON THE WEST SIDE OF SKEES ROAD, BOUND ON THE NORTH BY THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL 2. APPROVED 6-26-2003

PUBLIC COMMENT - None

Commissioner Marcus queried why a 5-year review would not be carried out on the resolutions since they were being extended to 2005. Principal Planner Linda Monroe said these were the first to be reviewed under the traffic performance standard and were considered insignificant projects.

Commissioner Marcus continued to express concern with regard to the impact the projects will have on the area and its capacity. She requested more information from staff on the type of analysis used to arrive at their recommendation.

Engineering Assistant Jim Choban suggested a 30-day postponement to get answers to Commissioner Marcus' concerns then return before the board.

Commissioner Koons commented on 3.D.12., and informed the board that the county was working with the petitioner to bring them into compliance and that the project did not involve any traffic issues; he preferred that the project move forward.

Continuing on 3.D.12., Zoning Director Whiteford informed the board that the petitioner was experiencing enforcement issues and other financing issues, however, they were bringing together a more formal plan of development that would incorporate some additional land in the area and they would submit an amendment to the project.

With regard to 3.D.11., Principal Planner Monroe explained that the project, by virtue of being insignificant, had met traffic performance standards. She recommended approval of the time extension.

CONSENT AGENDA - CONTINUED

3.D.11. AND 3.D.12 - CONTINUED

Commissioner Marcus directed engineering staff to provide broader information on status reports of insignificant projects under a certain threshold.

3.D.13. RESOLUTION R-2003-0942 (AMENDS R-96-541)

RESOLUTION FOR STATUS REPORT SR 1995-108.3 FOR RESOLUTION R-96-541 FOR PETITION 95-108 (PALM BEACH PLUMBING) OF JADE LAND COMPANY INC., PETITION-PROPERTY OWNER, APPROVING A TIME EXTENSION TO APRIL 25, 2005, FOR RESOLUTION R-96-541 AND AMENDING CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) IN RESOLUTION R-96-541. THE 1.65-ACRE PROPERTY IS LOCATED APPROXIMATELY 200 FEET EAST OF LOXAHATCHEE DRIVE ON THE NORTH SIDE OF WESTGATE AVENUE. ADOPTED WITH CONDITIONS 6-26-2003

3.E. CORRECTIVE RESOLUTIONS

3.E.14. RESOLUTION R-2003-0943 (AMENDS R-2003-0564)

RESOLUTION FOR PETITION PDD 2002-067 (FOGG PROPERTY NORTH PUD [PLANNED UNIT DEVELOPMENT]) TO CORRECT ENGINEERING CONDITIONS E.7, E.13, AND E.14 OF EXHIBIT C OF RESOLUTION 2003-0564. THE 516.98-ACRE PROPERTY IS LOCATED APPROXIMATELY 1,440 FEET SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF LYONS ROAD. ADOPTED WITH CONDITIONS 6-26-2003

3.E.15. RESOLUTION R-2003-0944 (AMENDS R-2003-0565)

RESOLUTION FOR PETITION PDD 2002-068 (FOGG PROPERTY CENTRAL PUD) TO CORRECT ENGINEERING CONDITIONS E.6., E.7., E.13., AND E.14 AND PLANNING CONDITIONS J.6.F., AND J.8.C. OF EXHIBIT C OF RESOLUTION R-2003-0565. THE 517.15-ACRE PROPERTY IS LOCATED APPROXIMATELY 1.0 MILE SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF LYONS ROAD. ADOPTED WITH CONDITIONS 6-26-2003

3.E.16. RESOLUTION R-2003-0945 (AMENDS R-2003-0566)

RESOLUTION FOR PETITION PDD 2002-069 (FOGG PROPERTY SOUTH PUD [PLANNED UNIT DEVELOPMENT]) TO CORRECT ENGINEERING CONDITIONS E.7 AND E.14 AND PLANNING CONDITIONS I.6.F. AND I.7 OF EXHIBIT C OF RESOLUTION R-2003-0566. THE 507.56-ACRE PROPERTY IS LOCATED APPROXIMATELY 1.5 MILES SOUTH OF BOYNTON BEACH BOULEVARD ON THE EAST SIDE OF LYONS ROAD. ADOPTED WITH CONDITIONS 6-26-2003

CONSENT AGENDA - CONTINUED

3.E.17.

- a. **RESOLUTION R-2003-0946
(AMENDS R-2002-0607)**

RESOLUTION FOR PETITION Z/COZ2001-068 (KIRCHMAN REZONING) OF TERRANCE KIRCHMAN, BY GLEN MILLER, AGENT, TO CORRECT THE LEGAL DESCRIPTION IN RESOLUTION R-2002-0607 FOR THE 17.25-ACRE PROPERTY LOCATED 1.0 MILE SOUTH OF STATE ROAD 880 AND ONE MILE EAST OF STATE ROAD 80. ADOPTED 6-26-2003

- b. **RESOLUTION R-2003-0947
(AMENDS R-2002-0608)**

RESOLUTION FOR PETITION W2001-068 (KIRCHMAN REZONING) OF TERRANCE KIRCHMAN, BY GLEN MILLER, AGENT, TO CORRECT THE LEGAL DESCRIPTION IN RESOLUTION R-2002-0608 FOR THE 17.25-ACRE PROPERTY LOCATED 1.0 MILE SOUTH OF STATE ROAD 880 AND ONE MILE EAST OF STATE ROAD 80. ADOPTED 6-26-2003

3.E.18. See page 3.

(CLERK'S NOTE: Document number R-2003-0948 is void.)

4. REGULAR AGENDA

4.A. ITEMS PULLED FROM CONSENT AGENDA - None

4.B. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING PETITIONS

(CLERK'S NOTE: Items 4.B.19., 4.B.20., and 4.B.21. were discussed together.)

- 4.B.19. ORDINANCE 2003-024
(AMENDS ORDINANCE 89-17)**

ORDINANCE AMENDING THE 1989 COMPREHENSIVE PLAN AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); BY ADOPTING SMALL SCALE AMENDMENT 2002-0013 SCA (WALGREENS PARKING III [APPLICANT: AT&T WIRELESS SERVICES; AGENT: THOMAS YONGE, KIMLEY-HORN AND ASSOCIATES, INC.]); MODIFYING PAGE 94 OF THE FLUA BY CHANGING 0.72 ACRES OF LAND LOCATED APPROXIMATELY 200 FEET NORTH OF WOOLBRIGHT ROAD ON THE WEST SIDE OF MILITARY TRAIL, FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) TO COMMERCIAL LOW, WITH UNDERLYING 3 RESIDENTIAL UNITS PER ACRE (CL/3) WITH CROSS-HATCHING, SUBJECT TO A CONDITION. (P.O.P 7340037) ADOPTED ORDINANCE APPROVING CL WITH CONDITION -- 6-26-2003

REGULAR AGENDA - CONTINUED

4.B.20.

a. RESOLUTION R-2003-0949

RESOLUTION FOR PETITION Z96-006(A) (WALGREENS PARKING III) OF PBC REALTY ASSOCIATES, BY THOMAS YONGE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT (REZONING) FROM AGRICULTURAL RESIDENTIAL TO COMMUNITY COMMERCIAL (CC) WITH A CONDITIONAL OVERLAY ZONE FOR THE 1.77-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF WOOLBRIGHT ROAD AND MILITARY TRAIL. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS AS AMENDED 6-26-2003

**b. RESOLUTION R-2003-0950
(AMENDS R-96-810)**

RESOLUTION FOR PETITION DOA96-006(A) (WALGREENS PARKING III) OF PBC REALTY ASSOCIATES, BY THOMAS YONGE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA AND PARKING SPACES TO THE 1.77-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF WOOLBRIGHT ROAD AND MILITARY TRAIL. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS 6-26-2003

4.B.21.

**a. RESOLUTION R-2003-0951
(AMENDS R-96-1360)**

RESOLUTION FOR PETITION DOA81-020(C) (AT&T REZONING) OF AT&T WIRELESS SERVICES, BY THOMAS YONGE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO DELETE LAND AREA. THE 1.82-ACRE PROPERTY IS LOCATED APPROXIMATELY 350 FEET NORTH OF WOOLBRIGHT ROAD ON THE WEST SIDE OF MILITARY TRAIL. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS 6-26-2003

b. RESOLUTION R-2003-0952

RESOLUTION FOR PETITION 1981-020(C) (AT&T REZONING) OF AT&T WIRELESS SERVICES, BY THOMAS YONGE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL TRANSITIONAL SUBURBAN. THE 1.82-ACRE PROPERTY IS LOCATED APPROXIMATELY 350 FEET NORTH OF WOOLBRIGHT ROAD ON THE WEST SIDE OF MILITARY TRAIL. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS 6-26-2003

Senior Planner David Goodman gave a presentation. Pertaining to 4.B.19., he informed the board that the Planning Division recommended approval of the amendment for the following reasons:

- * The applicant had met the justification requirements to amend the conditions;
- * The character of the surrounding sites had changed significantly from residential uses to mostly commercial;
- * The applicant demonstrated the need for adequate parking on the site;

REGULAR AGENDA - CONTINUED

4.D.19., 4.D.20., AND 4.D.21. - CONTINUED

- * The applicant agreed to conditions restricting development on the site to parking, landscaping and drainage only (because there will be no additional commercial intensity associated with this project); and
- * The project is compatible as the parking area would be an expansion on to an already existing parking lot and would be consistent with the surroundings.

Pertaining to 4.B.19., staff recommended approval of the amendment with the condition that there be no additional commercial development associated with the cross-hatched area on this project.

Senior Planner Goodman explained that 4.D.20. related to the rezoning of the 0.72-acre parcel of land and the addition of that land to the Walgreens Parking III project. He said 4.D.21. related to the rezoning of the tower parcel to the north to a zoning district consistent with the Comprehensive Plan.

Commissioner Marcus asked how the project had initially received approval without sufficient parking. Zoning Director Whiteford said the project received a variance from the Board of Adjustments because the petitioner initially had justifiable reasons for requesting a reduction in parking.

Assistant County Attorney Banks declared that Comprehensive Plan amendments were legislative decisions and a separate motion was required.

PUBLIC COMMENT: None

MOTION to adopt the ordinance for future land use change from LR-3 to CL-3 with cross-hatching, subject to one condition. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

MOTION to adopt a resolution approving the request from AR to CC, with a conditional overlay zone, subject to conditions. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

MOTION to adopt a resolution approving the request to add land area and parking spaces, subject to conditions. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

MOTION to adopt a resolution approving the request to delete land area, subject to conditions. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

MOTION to adopt a resolution approving the request for a rezoning from AT to RTS, subject to conditions. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 6-0. Commissioner Masilotti absent.

REGULAR AGENDA - CONTINUED

4.C. PREVIOUSLY POSTPONED ZONING PETITIONS

4.C.22.

RESOLUTION FOR PETITION CA2002-017 (MALLARDS COVE) OF MACKEY DEVELOPMENT, BY H. BURTON SMITH, AGENT, FOR A CLASS A CONDITION USE ALLOWING A VOLUNTARY DENSITY BONUS FOR THE 3.63-ACRE PROPERTY LOCATED APPROXIMATELY 600 FEET WEST OF CENTRAL BOULEVARD ON THE SOUTH SIDE OF JUPITER GARDENS BOULEVARD. (P.O.P. 7062392 AND 7128625 [4-24-2003]) DENIED 6-26-2003

Senior Planner William Cross gave a staff presentation. He highlighted two important issues:

- * Interconnectivity to Jupiter Gardens Boulevard. He said the Planning Division recommended a condition that the property be connected to Jupiter Gardens Boulevard subject to approved traffic studies. He said that a traffic study was not received to support the fact that traffic capacity was available for the relocated access point; and
- * Residents who opposed the access point along Jupiter Gardens Boulevard requested additional landscaping to which the petitioner agreed to install as well as maintain the road right-of-way adjacent to the existing Mallard Cove development and this project.

Commissioner Marcus asked for board disclosures.

H. Burt Smith, agent, representing Mallard Cove III, informed the board that the proposed density coincided with the density of the existing project. He said the only concern the petitioner had was a request by the Planning Division for a connection to Jupiter Gardens Boulevard on the north side.

Commissioner Marcus expressed concern over the increased density and the proposed affordable housing units. She said she did not support construction of more affordable housing into the area neither did she support the voluntary density bonus.

Commissioner Newell agreed with Commissioner Marcus' concerns and recommended that the Workforce Housing Taskforce establish a countywide plan pertaining to where workforce housing should be constructed.

Commissioner Koons disagreed with Commissioners Marcus and Newell. He said the project was one of mixed use that would not include very low-income housing, which was a matter of concern for Commissioner Marcus

Commissioner Marcus contented that the area consisted of low-income housing and the proposed units would be even lower in value therefore mixed use would not be achieved.

MOTION to adopt a resolution approving the request to allow a Voluntary Density Bonus. Motion by Commissioner Koons.

MOTION DIED FOR LACK OF A SECOND.

(CLERK'S NOTE: Commissioner Marcus passed the gavel.)

REGULAR AGENDA - CONTINUED

4.C.22. - CONTINUED

MOTION to DENY the request to allow a Voluntary Density Bonus. Motion by Commissioner Marcus and seconded by Commissioner Greene.

Clarification was made that the petitioner would still be allowed to develop units except for the lower market affordable housing.

UPON CALL FOR A VOTE, the motion carried 5-1. Commissioner Koons opposed. Commissioner Masilotti absent.

4.D. ZONING PETITIONS

4.D.23.

a. RESOLUTION R-2003-0953

RESOLUTION FOR PETITION PDD2003-001 (LAKE OSBORNE PUD) OF LENNAR COMMUNITIES, INC., BY ANNA S. COTTRELL, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM RESIDENTIAL SINGLE FAMILY TO RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR THE 9.86-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE WEST OF INTERSTATE 95 ON THE SOUTH SIDE OF LANTANA ROAD. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS AS AMENDED 6-26-2003

b. RESOLUTION R-2003-0954

RESOLUTION FOR PETITION TDR2003-001 (LAKE OSBORNE PUD) OF LENNAR COMMUNITIES, INC., BY ANNA S. COTTRELL, AGENT, APPROVING A TRANSFER OF DEVELOPMENT RIGHTS FOR THREE UNITS AND DESIGNATING THIS PETITION AS THE RECEIVING AREA. THE 9.86-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.5 MILE WEST OF INTERSTATE 95 ON THE SOUTH SIDE OF LANTANA ROAD. (P.O.P. 7254883 AND 7254925) ADOPTED WITH CONDITIONS 6-26-2003

c. PETITION 2003-001

PETITION 2003-001 (LAKE OSBORNE PUD) OF LENNAR COMMUNITIES, INC., BY ANNA S. COTTRELL, AGENT, TO FIND PURSUANT TO 723-083 FLORIDA STATUTES THAT ADEQUATE MOBILE HOME PARKS OR OTHER SUITABLE FACILITIES EXIST FOR THE RELOCATION OF THE MOBILE HOME OWNERS AFFECTED BY PDD/TDR2003-001. THE 9.86-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.5 MILE WEST OF INTERSTATE 95 ON THE SOUTH SIDE OF LANTANA ROAD. (P.O.P. 7254883 AND 7254925) APPROVED 6-26-2003

Board disclosures were given at this time.

Senior Planner William Cross gave staff presentation. He clarified two issues pursuant to state statute (which had been satisfied by the petitioner) that were of major concern to the board:

REGULAR AGENDA - CONTINUED

4.D.23. - CONTINUED

- * That a property owner with mobile home tenants should offer property for sale to tenants; and
- * That there be adequate mobile home parks or other suitable facilities in the vicinity to allow for the relocation of the mobile home dwellings. The motion had been modified to read as follows:

To approve a finding that pursuant to 723-083 Florida Statutes, The Board of County Commissioners hereby determines that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners affected by PDD/TDR2003-001.

Mr. Cross said the petitioner had submitted a study to the Zoning Division indicating that there were a substantial number of mobile home facilities in the area, as well as throughout the county, with vacancies to allow for the relocation of these units. A problem, he highlighted, with respect to relocation was most facilities required inspection of mobile homes.

Michael Redd, representing petitioner, Lennar Communities, Inc., gave a presentation of the proposed community Bridgewater at Lake Osborne.

Mr. Redd informed the board that his firm was in agreement with the conditions proposed by staff, with the exception that Condition M.8. of Petition PDD2003-001 be revised to read:

A storage of boats, trailers, and other similar recreation equipment/vehicles shall be limited to a maximum of 24 hours within designated storage areas which shall be enforced through deed restrictions or home owners association documents.

Mr. Redd supported the above condition and staff had no objection to the revision of the condition.

Corrine Amedio, co-owner of Lake Osborne Trailer Ranch, spoke in support of the application.

Michael Amedio, co-owner of the Lake Osborne Trailer Ranch, spoke in support of the application. He informed the board that four opportunities for purchase of the property were extended to the residents but no response with an offer was ever made.

He presented a waiver signed and sealed by the past president of the home-owners association indicating that the residents were not interested in purchase of the property.

MOTION to receive and file the waiver. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 6-0. Commissioner Masilotti absent.

Mr. Amedio, in closing, stated that the owners of the property believe that all requirements of the state statute had been met and they were in a position to go forward with a contract with Lennar Communities, Inc.

REGULAR AGENDA - CONTINUED

4.D.23. - CONTINUED

Commissioner Newell made the following inquiries:

- * Whether the project site met traffic concurrency in regards to its location and access onto Lantana Road. Engineering Assistant Jim Choban said there was no problem regarding concurrency, but for further clarification he would pull the traffic report and give more information to the commissioners later in the meeting; and
- * Whether the Runway Protection Zone condition would be noticed in the documents as approved or not approved; he directed that such notice be included. Mr. Choban said there were conditions that required an easement be granted by the Department of Airports for that purpose by the petitioner.

Assistant County Attorney Banks said Lennar Communities, Inc., had demonstrated to the Zoning Division through a survey of other mobile home parks that there were many vacancies within a 7-mile radius and that staff was satisfied with the survey which was a part of the record.

Staff recommended approval of the finding, the rezoning, and approval of the three TDR units.

PUBLIC COMMENTS:

David Carlson, Joseph Cichowski, attorney for the Homeowners Association, Stanley Pincus, and Hayden Wells-Weihe addressed the board to express opposition to staff recommendation as follows:

- * The homeowners association met the financial commitment requirement and was willing to purchase the property at \$2.4M;
- * The residents were concerned that mobile home parks surveyed and recommended by staff had lower standard of living;
- * The survey of mobile home parks that was submitted by the petitioner did not include a rental comparison; and
- * The issue of whether or not the mobile homes, upon inspection, would be accepted into new mobile home parks.

Persons opposing staff recommendation but choosing not to speak were: Thomas Antonucci, Robert J. Denton, Steve Henriksen, Edna Rissmann Keenan, and Don Whitlock.

Daniel Lewis, real estate broker representing the owners of Lake Osborne Ranch, said the owners of the property had not received a contract from the homeowners association with an offer for purchase. He said further that Lennar Communities, Inc. had a development plan that best suited the area.

Persons supporting staff recommendation but choosing not to speak were: Sandra Barnard, Kathleen Fairbrother, Alvada Gardenhire, Shirley Gardenhire, Gladys M. Gougeon, Kenneth L. Gougeon, and Ann Ralston.

REGULAR AGENDA - CONTINUED

4.D.23. - CONTINUED

Steve Kaufman, representing Lennar Communities, Inc., said an updated survey of relocation territories was carried out, but this new survey had not been presented to staff.

MOTION to receive and file survey. Motion by Commissioner Newell, seconded by Commissioner Koons, and carried 6-0. Commissioner Masilotti absent.

Engineering Assistant Choban returned before the board with information concerning traffic study in the area. He said existing traffic count was 400 trips and new traffic count would be approximately 770 trips. The project had met the traffic performance standards at 0.54 percent.

Commissioner Newell spoke of several affordable housing units with vacancies for rent, which existed to the west of Lake Osborne Ranch. He concurred with staff recommendations and approved that the project go forward.

MOTION to approve a finding that pursuant to 723-083 Florida Statutes, The Board of County Commissioners hereby determines that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners affected by PDD/TDR2003-001. Motion by Commissioner McCarty and seconded by Commissioner Koons.

Commissioner Newell gave staff direction to the Department of Community Services to assist the mobile park residents with relocation needs.

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

MOTION to adopt a resolution approving the request for a rezoning from RS to residential PUD subject to conditions as amended. Motion by Commissioner McCarty and seconded by Commissioner Koons.

Commissioner Marcus clarified that the resolution was amended to include modified language from Michael Redd and the addition of the airport easement condition.

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

MOTION to adopt a resolution approving the request to allow the Transfer of Development Rights for 3 units and to designate this petition as the receiving area, subject to conditions. Motion by Commissioner McCarty and seconded by Commissioner Koons.

Commissioner Newell directed Assistant County Attorney Banks, that on behalf of the board, he should continue to provide assistance to the residents by answering questions.

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

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR - None

5.B. PLANNING DIRECTOR - None

6. COMMISSIONER COMMENTS

6.A. COMMISSIONER MARY MCCARTY

6.A.24.

INVITATION EXTENDED TO THE HEALTH CARE DISTRICT. DISCUSSED WITH DIRECTION 6-26-2003

Commissioner McCarty voiced her frustration that a board direction to the Health Care District requesting that they discuss AIDS related issues was not undertaken. She suggested inviting the two appointees to a board meeting for the purpose of inquiring why the direction was not followed.

The board concurred to invite the Health Care District to the July 9, 2003 budget hearing to discuss AIDS related issues.

No backup provided.

6.B. COMMISSIONER JEFF KOONS

6.B.25.

PROVISION OF COUNTY MOBILE HOME PARKS MAP. DISCUSSED WITH DIRECTION 6-26-2003

Commissioner Koons requested that staff prepare a map outlining all mobile home parks within the county. The purpose of this map, he said, would allow the board to be more aware of pending rezoning or redevelopment of these types of properties in order to readily assist residents.

Staff informed the board that such a map could be prepared.

No backup provided.

7. ADJOURNMENT

The chair declared the meeting adjourned at 11:09 a.m.

ATTESTED:

APPROVED:

Clerk

Chair