

**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 July 24, 2003, at 9:35 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 - Absent
- Commissioner Warren H. Newell - Absent
- Assistant County Attorney Robert P. Banks
- Condensing Clerk Dawn Whyte

**1.B.1. INVOCATION - Commissioner Koons**

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

**1.C. PROOF OF PUBLICATION APPROVED 7-24-2003**

**MOTION to receive and file proofs of publication 7406078 and 7344626. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

(CLERK'S NOTE: The following proofs of publication were approved for receipt and file in earlier meetings: 7062392, 7128625 [4-24-2003] and 7254883 [6-26-2003].)

**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 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

**1.E.1. AMENDMENTS TO AGENDA**

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
7	3.D.19.	<b>Petition SR 1993-039A.3 (Cameron Park):</b> Postpone to August 28, 2003
1	2.A.2.	<b>Petition DOA1985-061D (Home Depot Plaza):</b> Withdrawn
11	4.D.30.	<b>Petition DOA1994-061B (The Springs PUD/EEE High School/PBSO):</b> Amend conditions of approval



**POSTPONEMENTS - CONTINUED**

**2.A.4.**

**PETITION 78-154**

RESOLUTION FOR PETITION DOA1978-154B (NORTHLAKE CORPORATE PARK) OF REICHEL REALTY & INVESTMENTS, INC., BY RICHARD 'CHIP' CARLSON, AGENT, TO MODIFY/DELETE CONDITIONS OF APPROVAL, RECONFIGURE SITE PLAN, ADD ACCESS, AND ABANDON APPROVAL GRANTED UNDER DOA1978-154A. THE PROPERTY IS LOCATED SOUTH OF NORTHLAKE BOULEVARD AND WEST OF MILITARY TRAIL. ZONING COMMISSION POSTPONED THE ITEM FOR 30 DAYS. (P.O.P. 7344626) POSTPONED TO AUGUST 28, 2003 -- 7-24-2003

**2.A.5.**

**PETITION 2002-037**

RESOLUTION FOR PETITION PDD2002-037 (MASTROIANNI MUPD) OF RONALD MASTROIANNI AND DAVID MOSCARELLI, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT. THE PROPERTY IS LOCATED WEST OF FLORIDA'S TURNPIKE AND SOUTH OF LAKE WORTH ROAD. ZONING COMMISSION POSTPONED THE ITEM FOR 30 DAYS. (P.O.P. 7062393 AND 7128625 [4-24-2003]) POSTPONED TO AUGUST 28, 2003 -- 7-24-2003

**2.A.6.**

**PETITION 86-13**

STATUS REPORT SR 1986-13.8 FOR RESOLUTIONS R-86-573-26 AND R-86-573-27 (PETITION 1986-013) (BELFER OFFICE PARK) OF FORREST C. MOBLEY, TR, PETITIONER (PROPERTY OWNER: GCR ASSOCIATES LTD. PARTNERSHIP). THE PROPERTY IS LOCATED WEST OF MILITARY TRAIL AND SOUTH OF GUN CLUB ROAD. POSTPONED TO AUGUST 28, 2003 -- 7-24-2003

**2.A.7.**

**PETITION 97-017**

STATUS REPORT SR 1997-017.2 FOR RESOLUTIONS R-97-769 AND R-97-770 (PETITION 1997-017) (GROVE EXCAVATION) OF MECCA FARMS, INC., (PROPERTY OWNER: LANTANA FARM ASSOCIATES, INC.). THE PROPERTY IS LOCATED NORTH OF NORTHLAKE BOULEVARD AND EAST OF SEMINOLE PRATT WHITNEY ROAD. POSTPONED TO AUGUST 28, 2003 -- 7-24-2003

**3.D.19.**

**PETITION 93-039**

STATUS REPORT SR 1993-039A.3 FOR RESOLUTIONS R-97-2072 AND R-97-2073 (PETITION 1993-039A) (CAMERON PARK) OF SECURITY CAPITAL ATLANTIC, INC., PETITIONER (PROPERTY OWNER: P.A. PETERSON, JR. AND E.D. PETERSON AND SECURITY CAPITAL ATLANTIC, INC.), TO APPROVE A TIME EXTENSION UNTIL JUNE 10, 2005. THE PROPERTY IS LOCATED WEST OF MILITARY TRAIL AND SOUTH OF ATLANTIC AVENUE. POSTPONED TO AUGUST 28, 2003 -- 7-24-2003

Zoning Director William C. Whiteford said he received a request to postpone item 3.D.19. to August 28, 2003, as noted on the amendments to the agenda sheet.

PUBLIC COMMENT: None

**POSTPONEMENTS - CONTINUED**

**MOTION to POSTPONE items 2.A.1., 2.A.3., 2.A.4., 2.A.5., 2.A.6., 2.A.7., and 3.D.19. to August 28, 2003. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

**2.B. WITHDRAWALS**

**2.A.2. PETITION 85-061**

RESOLUTION APPROVING PETITION DOA1985-061D (HOME DEPOT PLAZA) OF HOME DEPOT USA, BY PETER VAN RENS, AGENT, TO RECONFIGURE MASTER PLAN AND ADD SQUARE FOOTAGE TO PROPERTY LOCATED AT THE CORNER OF LAKE WORTH ROAD AND NORTH PRICE STREET. REQUEST WITHDRAWN BY PETITIONER. (P.O.P. 7254883 [6-26-2003]) WITHDRAWN; NO BCC MOTION REQUIRED -- 7-24-2003

**3. CONSENT AGENDA**

**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 40. Commissioners McCarty, Masilotti, and Newell absent.**

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

**3.B. PREVIOUSLY POSTPONED ZONING PETITIONS**

**3.B.8. RESOLUTION R-2003-1121  
(AMENDS R-97-142, R-97-521, AND R-97-542)**

RESOLUTION APPROVING PETITION DOA1975-068U (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. THE PROPERTY IS LOCATED NORTHWEST OF PALMETTO PARK ROAD AND PONDEROSA DRIVE. (P.O.P 7254883 AND 7254925) ADOPTED WITH CONDITIONS 7-24-2003

**3.C. ZONING PETITIONS**

**3.C.9. RESOLUTION R-2003-1122  
(AMENDS R-73-400, R-85-1427, R-87-89  
R-91-591, R-95-523, R-96-124, AND R-96-258)**

RESOLUTION APPROVING PETITION DOA1973-043F (SHADOWOOD SQUARE) OF SHADOWOOD SQUARE, LTD., BY KIERAN J. KILDAY, AGENT, TO RECONFIGURE SITE PLAN, ADD SQUARE FOOTAGE, AND MODIFY/DELETE CONDITIONS OF APPROVAL. THE PROPERTY IS LOCATED NORTHEAST OF GLADES ROAD AND STATE ROAD 7/US 441. (P.O.P. 7344626) ADOPTED WITH CONDITIONS 7-24-2003

**CONSENT AGENDA - CONTINUED**

**3.C.10. RESOLUTION R-2003-1123**

RESOLUTION APPROVING PETITION CA2003-009 (GOD'S CHURCH OF FAITH) OF GOD'S CHURCH OF FAITH, BY KEVIN MCGINLEY, AGENT, TO ALLOW A CHURCH OR PLACE OF WORSHIP. THE PROPERTY IS LOCATED SOUTH OF GUN CLUB ROAD AND EAST OF HAVERHILL ROAD. (P.O.P. 7344626) ADOPTED WITH CONDITIONS 7-24-2003

**3.C.11. RESOLUTION R-2003-1124  
(AMENDS R-2001-0961)**

RESOLUTION APPROVING PETITION DOA2000-071A (EQUUS AKA BOYWIC PUD) OF 280 ESTATES LLC, BY LAND DESIGN SOUTH, AGENT, TO RECONFIGURE THE SITE PLAN, ADD AN ACCESS POINT FOR EQUESTRIAN CENTER PARKING AND MANURE REMOVAL, AND MODIFY A CONDITION OF APPROVAL. THE PROPERTY IS LOCATED SOUTH OF HYPOLUXO ROAD AND WEST OF LYONS ROAD. (P.O.P. 7344626) ADOPTED WITH CONDITIONS AS AMENDED 7-24-2003

Condition E.17. was modified on the amendments to the agenda sheet.

**3.D. STATUS REPORTS**

**3.D.12. PETITION 83-120**

STATUS REPORT SR 1983-120A.5 FOR RESOLUTION R-94-1308 OF PETITION 1983-120(A) (MERCEDE CENTER) OF RICHARD MERCEDE, PETITIONER, (PROPERTY OWNER: SUN ENTERPRISES HOLDING, INC.), TO APPROVE A TIME EXTENSION UNTIL MARCH 10, 2005, AND TO REVOKE EXISTING CONCURRENCY. THE PROPERTY IS LOCATED NORTH OF THE BROWARD COUNTY LINE AND WEST OF STATE ROAD 7. APPROVED 7-24-2003

**3.D.13. PETITION 86-008**

STATUS REPORT SR 1986-008C.10 FOR RESOLUTIONS R-90-838 AND R-90-839 OF PETITION 1986-008(C) (PINWOOD SQUARE PCD) OF RADNOR/HIGIER PARTNERSHIP #3, PETITIONER, (PROPERTY OWNER: MDN LANTANA, LTD.), TO APPROVE A TIME EXTENSION UNTIL MAY 22, 2005. THE PROPERTY IS LOCATED SOUTHEAST OF LANTANA ROAD AND JOG ROAD. APPROVED 7-24-2003

**3.D.14. RESOLUTION R-2003-1125  
(AMENDS R-92-1839)**

RESOLUTION FOR STATUS REPORT SR 1992-035.5 FOR RESOLUTION R-92-1839 OF PETITION 1992-035 (FLORAL ACRES) OF ARTHUR ROSACKER, PETITIONER, (PROPERTY OWNER: PORTALEGRE, INC.), TO AMEND CONDITIONS OF APPROVAL (TPS) AND APPROVE A TIME EXTENSION UNTIL JUNE 10, 2005, TO COMMENCE DEVELOPMENT. THE PROPERTY IS LOCATED SOUTH OF WEST ATLANTIC AVENUE AND EAST OF JOG ROAD. ADOPTED 7-24-2003

**CONSENT AGENDA - CONTINUED**

**3.D.15. PETITION 92-041**

STATUS REPORT SR 1992-041.7 FOR RESOLUTION R-93-4 OF PETITION 1992-041 (PALM BEACH PLAZA) OF LAND SERVICES GROUP, INC., PETITIONER, (PROPERTY OWNER: PALM BEACH PLAZA LTD.), TO APPROVE A TIME EXTENSION UNTIL MAY 23, 2005. THE PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF JOG ROAD AND DWIGHT ROAD. APPROVED 7-24-2003

**3.D.16. PETITION 92-047**

STATUS REPORT SR 1992-047.3 FOR RESOLUTION R-93-646 OF PETITION 1992-047 (POLO MUSEUM) OF ROPICO INC., PETITIONER, (PROPERTY OWNER: NATIONAL MUSEUM OF POLO & HALL OF FAME, INC.), TO APPROVE A TIME EXTENSION UNTIL MAY 27, 2005. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND LYONS ROAD. APPROVED 7-24-2003

**3.D.17. PETITION 93-019**

STATUS REPORT SR 1993-019.5 FOR RESOLUTION R-93-1025 OF PETITION 1993-019 (HAITIAN CHURCH OF GOD) OF SERGE JEROME, PETITIONER, (PROPERTY OWNER: LAKE WORTH HAITIAN CHURCH OF GOD) TO APPROVE A TIME EXTENSION UNTIL MAY 12, 2005. THE PROPERTY IS LOCATED WEST OF CONGRESS AVENUE AND SOUTH OF MELALEUCA LANE. APPROVED 7-24-2003

**3.D.18. PETITION 93-030**

STATUS REPORT SR 1993-030.5 FOR RESOLUTION R-93-1200 FOR PETITION 1993-030 (HIGGINS SUBDIVISION) OF JIM HIGGINS AND ELSIE HIGGINS, PETITIONER (PROPERTY OWNER: LORI PODRAY), TO APPROVE A TIME EXTENSION UNTIL MAY 10, 2005. THE PROPERTY IS LOCATED EAST OF JOG ROAD AND SOUTH OF MELALEUCA LANE. APPROVED 7-24-2003

**3.D.19.** See page 3.

**3.D.20. PETITION 99-090**

STATUS REPORT SR 1999-090 FOR RESOLUTIONS R-2000-0571 AND R-2000-0572 OF PETITION 1999-090 (E&H SELF STORAGE) OF EDGAR ADAMSON, JR., AND HIXIE STEPHENS, PETITIONERS, (PROPERTY OWNER: CONGRESS SHOPPING CENTER LTD.), TO APPROVE A TIME EXTENSION UNTIL APRIL 27, 2005. THE PROPERTY IS LOCATED SOUTH OF OKEECHOBEE BOULEVARD AND EAST CONGRESS AVENUE. APPROVED 7-24-2003

**CONSENT AGENDA - CONTINUED**

**3.D.21.**

**PETITION 2000-005**

STATUS REPORT SR 2000-005 FOR RESOLUTIONS R-2000-0719 AND R-2000-0720 OF PETITION 2000-005 (CONGRESS BUSINESS PARK) OF CONGRESS VENTURE TWO, INC., PETITIONER, (PROPERTY OWNER: CONGRESS VENTURE TWO, INC.), TO APPROVE A TIME EXTENSION UNTIL MAY 25, 2005. THE PROPERTY IS LOCATED NORTH OF BELVEDERE ROAD AND EAST OF CONGRESS AVENUE. APPROVED 7-24-2003

**3.D.22.**

**RESOLUTION R-2003-1126  
(AMENDS R-2000-1704)**

RESOLUTION FOR STATUS REPORT CR 1992-048B/E5.2 FOR RESOLUTION R-2000-1704 OF PETITION 1992-048(B) (MUSLIM COMMUNITY) OF MUSLIM COMMUNITY OF PALM BEACH COUNTY, INC., PETITIONER, (PROPERTY OWNER: MUSLIM COMMUNITY OF PALM BEACH COUNTY, INC.), TO AMEND CONDITIONS OF APPROVAL (RIGHT-OF-WAY) AND APPROVE TIME EXTENSION UNTIL DECEMBER 1, 2003. THE PROPERTY IS LOCATED EAST OF HAVERHILL ROAD AND NORTH OF PURDY LANE. ADOPTED 7-24-2003

**3.D.23.**

**PETITION 97-045**

STATUS REPORT CR 1997-045/E2.2 FOR RESOLUTION R-97-968 OF PETITION 1997-045 (PALM BEACH SURGICAL ASSOCIATES), OF NISIZE REALTY, INC., PETITIONER, (PROPERTY OWNER: I.S. & R.G. LLC) TO APPROVE A TIME EXTENSION UNTIL JUNE 1, 2004. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF BELLEVUE AVENUE AND LAKE WORTH ROAD. APPROVED 7-24-2003

**3.E.**

**CORRECTIVE RESOLUTION**

**3.E.24.**

**RESOLUTION R-2003-1127  
(AMENDS R-2003-0563)**

RESOLUTION TO CORRECT THE SIXTH WHEREAS CLAUSE OF RESOLUTION R-2003-0563 FOR PETITION SE 1987-144 (HAGEN RANCH PROPERTIES). ADOPTED 7-24-2003

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**4. REGULAR AGENDA**

**4.A. ITEM PULLED FROM CONSENT AGENDA - None**

**4.B. STATUS REPORT**

**4.B.25.**

RESOLUTION FOR STATUS REPORT SR 1983-018.8 FOR RESOLUTIONS R-83-1040 AND R-83-1041 (PETITION 1983-018) (STONEWALL ESTATES) OF PETER I.B. LAVAN AND PHILLIP O'CONNELL, AS TRUSTEE (PROPERTY OWNER: SUPERTRAIL MANUFACTURING COMPANY, INC.), TO AMEND CONDITIONS OF APPROVAL (MASTER PLAN); APPROVE A TIME EXTENSION UNTIL APRIL 26, 2005; RECORD A PLAT; AND REVOKE CONCURRENCY FOR PHASE 2 OF THE PLANNED UNIT DEVELOPMENT. THE PROPERTY IS LOCATED WEST OF BEELINE HIGHWAY AND SOUTH OF NORTHLAKE BOULEVARD. POSTPONED TO AUGUST 28, 2003, WITH DIRECTION -- 7-24-2003

Principal Planner Linda Monroe made a staff presentation. During her presentation the following information was conveyed to the board:

- \* The project was in District 6 not District 2;
- \* Staff recommended the amendment of conditions of approval; and
- \* Staff recommended the time extension with a condition that the project be consistent with the Comprehensive Plan.

Commissioners Koons and Marcus expressed concern over the following:

- \* No review of a traffic report; and
- \* No formal written proposal from the South Florida Water Management District.

A 30-day postponement was recommended by Commissioner Koons to allow staff time to gather important information and return before the board.

**MOTION to POSTPONE the item for 30 days to August 28, 2003. Motion by Commissioner Koons and seconded by Commissioner Aaronson.**

Robert Bentz and John Gary, representing Lennar Homes; Joseph Medeiros, representing Bay Hill Estates Property Owners Association; and Andrea Troutman, representing Pinder Troutman Consulting, all spoke in support of the postponement.

Commissioner Marcus directed staff to come back with answers to all the issues brought forward by the board. Some of the issues to be addressed by staff include: water, a 70-acre off-site property, land use, road, and densities.

If the above issues cannot be addressed within the 30-day postponement period staff should return before the board for an additional 30-day postponement.

**UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

(CLERK'S NOTE: Items 4.C.26. and 4.C.27. were discussed together.)

**REGULAR AGENDA - CONTINUED**

**4.C. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING PETITION**

**4.C.26. ORDINANCE 2003-027  
(AMENDS ORDINANCE 89-17)**

ORDINANCE AMENDING THE COMPREHENSIVE PLAN, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) BY ADOPTING SMALL SCALE AMENDMENT 2003-0023 (LANTANA/HIGH RIDGE II [A.K.A. A KEEPERS SELF STORAGE] [APPLICANT: KEEPERS SELF STORAGE - LANTANA; AGENT: LAND DESIGN SOUTH OF FLORIDA, INC.,]); MODIFYING PAGE 83 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 1.67 ACRES GENERALLY LOCATED ON THE EAST SIDE OF HIGH RIDGE ROAD, APPROXIMATELY 300 FEET SOUTH OF LANTANA ROAD, FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) ON 1.67 ACRES TO COMMERCIAL LOW (CL), SUBJECT TO A CONDITION. (P.O.P. 7406078) ADOPTED AS AMENDED 7-24-2003

**4.C.27. RESOLUTION R-2003-1128**

RESOLUTION APPROVING PETITION PDD2003-010 (A KEEPERS SELF STORAGE) OF KEEPERS SELF STORAGE - LANTANA LLC, BY LAND DESIGN SOUTH, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM RESIDENTIAL SINGLE FAMILY TO MULTIPLE USE PLANNED DEVELOPMENT WITH A SELF-SERVICE STORAGE FACILITY. THE PROPERTY IS LOCATED SOUTHEAST OF LANTANA ROAD AND HIGH RIDGE ROAD. (P.O.P. 7344636) ADOPTED WITH CONDITIONS AS AMENDED 7-24-2003

PUBLIC COMMENT: None

Planner Cara Lacey gave the staff presentation on this item. She said that based on changes surrounding the site staff found that a commercial use, especially one limited to non-retail use, was compatible with the High Ridge Road Corridor Study. Accordingly, staff recommended approval with one condition to limit the site to non-residential uses only. In a 10-1 vote, the Land Use Advisory Board (LUAB) recommended approval of the applicant's request with the staff-proposed condition. Ms. Lacey said she received several telephone calls from residents inquiring about the area; also, at the LUAB hearing, some residents spoke in opposition to the land use change.

Zoning Director Whiteford said 4.C.27. involved a rezoning to multiple use planned development (MUPD) to allow the self-service storage facility.

Discussion ensued regarding whether the district commissioner, Warren Newell, had knowledge of the land use changes. Staff informed the board that Mr. Newell's office conveyed the message that if a major issue arose he would request a postponement in his absence, but, if everything seemed to be in order he would support the project.

Robert A. Bentz, agent, said the request was consistent and compatible with both the Comprehensive Plan and the ULDC. The project, he said, met all the concurrency requirements and he agreed with all conditions of approval.

## REGULAR AGENDA - CONTINUED

### 4.C.26. AND 4.C.27. - CONTINUED

Zoning Director Whiteford requested confirmation from Mr. Bentz that he will work with staff to ensure that the landscaping along High Ridge Road was consistent with landscaping recommendations for the Solid Waste Authority (SWA) located to the south. Mr. Bentz agreed and said he will work with staff.

Land Development Director Kenneth S. Rogers read the following revision to Condition E.2. (4.C.27.): "that the developer shall provide the temporary construction easement either prior to the first building permit or prior to June 1, 2004, whichever shall first occur."

Mr. Bentz agreed to the revised Condition E.2. In addition, he said the landscaping along High Ridge Road would be approximately 30 feet in width, whereas landscaping along the SWA would be approximately 50 feet in width. He said a berm and plant material similar to SWA would be added along High Ridge Road.

Zoning Director Whiteford recommended adding subsection 'h' to the landscaping conditions found under Condition I.1. (4.C.27.).

**MOTION to adopt the ordinance approving the request for a future land use change from LR-3 to CL, subject to one condition. Motion by Commissioner Aaronson and seconded by Commissioner Koons.**

Further discussion ensued regarding accomplishing landscaping requirements along High Ridge Road. Zoning Director Whiteford said if the requirements cannot be met, then the Development Review Committee (DRC) would require additional width to accommodate the same landscaping requirements as SWA.

**UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

**MOTION to adopt a resolution approving the request for rezoning from the residential single family zoning district to the MUPDD with a self-service storage facility, subject to conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

### 4.D. ZONING PETITIONS

#### 4.D.28. RESOLUTION R-2003-1129

RESOLUTION APPROVING PETITION PDD2003-007 (MISSION LAKES MUPD) OF GEORGE T. ELMORE, TRUSTEE, BY KIERAN J. KILDAY AND WILLIAM BOOSE, III, AGENTS, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT. THE PROPERTY IS LOCATED NORTH OF LANTANA ROAD AND EAST OF STATE ROAD 7/US 441. (P.O.P. 7344626) ADOPTED WITH CONDITIONS AS AMENDED 7-24-2003

Planner Eric McClellan gave the staff presentation on this item.

## REGULAR AGENDA - CONTINUED

### 4.D.28. - CONTINUED

Colleen Walters, of Kilday & Associates, agent, made the following comments:

- \* The Mission Lakes project had stirred interest from the adjacent neighborhood association located on the south side of Lantana Road and east of State Road 7.
- \* Kilday & Associates was in agreement with all proposed conditions including the added Condition K.7.

#### PUBLIC COMMENT:

Judith Levow and Michael H. Resnick spoke in opposition to the project because they believed the result would be an increase in traffic and noise.

Commissioner Marcus inquired whether the project would undergo a five-year study for traffic performance standards (TPS). In response, Andrea Troutman, President of Pinder Troutman, Inc., said, "the five year analysis is not adopted as part of the TPS as yet, so we did not have to do that analysis."

Discussion ensued with regard to landscaping conditions and site plan being comparable to the COSTCO in Boca Raton.

Zoning Director Whiteford said the site was upgraded, however, not to the same level as the COSTCO in Boca Raton because it was not adjacent or in close proximity to a residential development.

The board concurred that the project should receive improved architecture and landscaping using the COSTCO in Boca Raton as the comparable.

**MOTION to adopt a resolution approving the request for a rezoning from AR to MUPDD with conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner Koons, and carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

### 4.D.29.

### RESOLUTION R-2003-1130

RESOLUTION APPROVING PETITION CA1980-220A (SOLDIERS OF THE CROSS) OF SOLDIERS OF THE CROSS, BY KEVIN MCGINLEY, AGENT, FOR A REQUEST TO ALLOW A CHURCH OR PLACE OF WORSHIP. THE PROPERTY IS LOCATED SOUTH OF LAKE WORTH ROAD AND WEST OF HAVERHILL ROAD. (P.O.P. 7344626) ADOPTED WITH CONDITIONS AS AMENDED 7-24-2003

Planner Eric McClellan gave the staff presentation on this item.

Kevin McGinley, agent, informed the board that his client was not affiliated with an organization of the same name located in Kansas. He said his client had a congregation of approximately 200 members located in Miami.

## REGULAR AGENDA - CONTINUED

### 4.D.29. - CONTINUED

#### PUBLIC COMMENT:

Ron Lameck, spoke in opposition to the project; he said the petitioner was misrepresenting itself as a church-based organization when it was more involved with drug rehabilitation. He expressed concern for children in the neighborhood and submitted a petition signed by 42 residents in the neighborhood opposing the project.

**MOTION to receive and file the petition. Motion by Commissioner Greene, seconded by Commissioner Koons, and carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

John Klein opposed the project and expressed concern that the project would add to traffic in the area.

Zoning Director Whiteford recommended that retreats at the site be restricted to weekend use only.

Discussion ensued with regard to whether or not the project should be approved without a retreat facility. Assistant County Attorney Banks said, "... seems it is a typical kind of accessory use to a religious facility." He said the county operates under both the state and federal law therefore this project would be treated as all other places of assembly.

Mr. McGinley requested that a condition be included to allow for clergy to utilize the facility Thursday through Sunday or a condition that stipulated no type of chemical or alcohol treatment.

Zoning Director Whiteford made the following condition changes:

Condition K.4. amended to read: "the retreat shall be limited to a maximum of six beds and used Thursday through Sunday only."

Condition K.5. added and paraphrased: "no alcohol, drug or similar treatment or counseling shall be permitted."

**MOTION to adopt resolution approving the request to allow a church or place of worship, with conditions as amended (use of facility for retreat purpose Thursday through Sunday and no chemical dependency treatment on site.) Motion by Commissioner Koons and seconded by Commissioner Aaronson.**

Commissioner Marcus stated that the staff report pertaining to traffic performance standards (TPS) on Haverhill Road was incorrect, but the project still met the TPS ordinance/condition requirements.

Commissioner Aaronson had concerns over what the county's options would be if it were discovered that an affiliation existed between Soldiers of the Cross, Miami and Soldiers of the Cross, Kansas.

Assistant County Attorney Banks said a caveat could be included in the resolution allowing the county to revoke the resolution if it were later discovered that an affiliation exists between the two organizations.

## REGULAR AGENDA - CONTINUED

### 4.D.29. - CONTINUED

Planning, Zoning and Building Executive Director Barbara Alterman commented that the board's approval of the resolution was based solely on all representations made at this meeting and if proved not to be correct the board would certainly have the ability to bring it back for review.

**UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

### 4.D.30.

RESOLUTION APPROVING PETITION DOA1994-016B (THE SPRINGS PUD/EEE HIGH SCHOOL/PBSO) OF PALM BEACH COUNTY SCHOOL BOARD BY KILDAY AND ASSOCIATES, INC., AGENT, TO RECONFIGURE SITE PLAN TO ALLOW GOVERNMENT SERVICES. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF JOG ROAD AND NORTHTREE BOULEVARD. (P.O.P. 7344626) POSTPONED TO AUGUST 28, 2003, WITH DIRECTIONS -- 7-24-2003

Planner William Cross gave the staff presentation on this item. The reason for presenting the item, he said, was to allow the adjacent property owner Rick Pribell, who had some issues with the school board, the opportunity to address the gathering.

Colleen Walters, agent, gave a presentation and commented as follows with regard to the Pribell property:

- \* Representatives from the county, the school district and herself had met with Mr. Pribell to discuss his issues and concerns;
- \* Some issues were in regards to the landscape buffer and she believed some agreement had been reached;
- \* Mr. Pribell had concerns with the compatibility of the adjacent property being a high school to his proposed bed and breakfast facility; and
- \* Mr. Pribell was required under the special use permit to provide a landscape buffer of 15 feet.

### PUBLIC COMMENT:

Rick Pribell informed the board that representatives of the school board were trying to assist him by supplying a waste line extension from the high school site to his property. Should this project succeed he would save approximately \$20,000; he expressed appreciation for all their efforts in this matter.

Angela Usher, representing the school district, said a meeting was scheduled to determine if the service could be provided to Mr. Pribell and if the project would be feasible.

Discussion ensued pertaining to the proximity of the fueling station to the high school and the safety of the children. Robert Kraus, from the Department of Environmental Resources Management, assured the board that enhanced equipment and technology provides safer systems than old metal tanks that can still be found around the State of Florida.

**REGULAR AGENDA - CONTINUED**

**4.D.30. - CONTINUED**

Commissioners Aaronson and Greene reiterated their concerns for safety and security with regard to the close proximity of the fueling station to the high school. Commissioner Marcus inquired of the possibility of relocating the fueling station to the back of the sheriff's substation parking lot. Melanie Borkowski from the Department of Facilities Development and Operations said relocating the fueling station would not be practical because the fuel delivery trucks needed the best access on the site.

Commissioner Koons recommended a 30-day postponement for review by staff.

**MOTION to POSTPONE the item for 30 days to August 28, 2003. Motion by Commissioner Koons and seconded by Commissioner Greene.**

Commissioner Marcus directed staff of the Department of Facilities Development and Operations to look into utilizing the nearby fire-rescue station for the same purpose of fueling and bring back recommendations to the board.

**UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners McCarty, Masilotti, and Newell absent.**

- 5. DIRECTOR COMMENTS**
- 5.A. ZONING DIRECTOR - None**
- 5.B. PLANNING DIRECTOR - None**
- 6. COMMISSIONER COMMENTS - None**
- 7. ADJOURNMENT**

**The chair declared the meeting adjourned at 11:36 a.m.**

ATTESTED:

APPROVED:

Clerk

Chair