

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 25, 2002, at 9:40 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

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

1.B.1. INVOCATION - Commissioner McCarty

1.B.2. PLEDGE OF ALLEGIANCE

1.C. REMARKS OF THE CHAIR

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and amendments to the Palm Beach County Unified Land Development Code, and the recommendations of the Land Use Advisory Board, Citizens Task Force, Land Development Regulation Commission, and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on July 25, 2002, at 9:30 a.m., in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

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

1.D. PROOF OF PUBLICATION APPROVED 7-25-2002

MOTION to receive and file proofs of publication 457438 and 6407662. Motion by Commissioner Aaronson, seconded by Commissioner Marcus, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts 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], 6192778 and 6231784 [5-23-2002], and 418788, 6283874, and 6318884 [6-19-2002]. These public hearings were continued to today's meeting.)

1.E. SWEARING-IN BY ASSISTANT COUNTY ATTORNEY

1.F. ADOPTION OF AGENDA

(CLERK'S NOTE: The following motion was made after consideration of postponements.)

MOTION to adopt the agenda. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 50. Commissioners Masilotti and Roberts absent.

1.F.1. AMENDMENTS TO AGENDA

<u>Page</u>	<u>Item</u>	<u>Petition/Change</u>
1	2.A.1.	Petition DOA97-12(C) (Trump International Golf Course, aka Palm Beach International Airport Golf Course): Delete item.
3	3.C.6.	Petition CA84-94(C) (Okeechobee Mobile): Amend conditions of approval.
4	3.C.7.	Petition Z2002-010 (Madison Estates): Amend conditions of approval.
4	3.C.8.	Petition DOA73-216(B): Palm Beach Baptist Church: Amend conditions of approval.
8	3.E.21.	Status Report SR 1999-003 (Thomas C-Store): Withdraw item.
9	3.E.25.	Status Report SR 1988-33E (Murphy's Towing): Withdraw item.
11	3.I.33.	Petition Z/COZ98-73(3) (Monterey Professional Center): Amend conditions of approval.
15	4.C.39.	Petition Z2002-019 (Acreage Community Park): Move to consent agenda and amend conditions of approval.

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

- 2. POSTPONEMENTS AND WITHDRAWALS -** See pages 3-4.
- 3. CONSENT AGENDA -** See pages 5-13.
- 4. REGULAR AGENDA -** See pages 13-23.
- 5. DIRECTOR COMMENTS -** None.
- 6. COMMISSIONER COMMENTS -** See page 24.
- 7. ADJOURNMENT -** See page 24.

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. DELETED

2.A.2. PETITION 2001-043

PETITION PDD2001-043 (SQUARE LAKES NORTH) OF GARDEN OAKS CENTER LTD., BY DONALDSON HEARING AND BRIAN CHEQUIS, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM RESIDENTIAL ESTATE TO MULTIPLE USE PLANNED DEVELOPMENT. THE 3.06-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF SQUARE LAKES DRIVE AND MILITARY TRAIL. (P.O.P. 6192778 AND 6231784 [5-23-2002]) POSTPONED TO AUGUST 22, 2002 -- 7-25-2002

2.A.3. 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. THE 4.04-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND CONGRESS AVENUE. (P.O.P. 6029562 AND 6106304 [4-2-2002]) POSTPONED TO AUGUST 22, 2002 -- 7-25-2002

2.A.4. PETITION 76-101

PETITION Z/COZ76-101(A) (PEANUT ISLAND REZONING) OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, BY ZONING DIVISION, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM PRESERVATION/CONSERVATION TO PUBLIC OWNERSHIP. THE 84.0-ACRE PROPERTY IS LOCATED APPROXIMATELY 1,000 FEET NORTHEAST OF THE PORT OF PALM BEACH AND APPROXIMATELY 1,500 FEET DUE WEST OF LAKE WORTH INLET, 0.1 MILE SOUTH OF BLUE HERON BOULEVARD. (P.O.P. 418788 AND 6283874 [6-19-2002]; 457738 [7-25-2002]) POSTPONED TO AUGUST 22, 2002 -- 7-25-2002

3.G.28.

REQUEST FOR EXPANSION AND/OR MODIFICATION OF THE LIST OF ALLOWED USES IN THE RESTRICTIVE COVENANT ASSOCIATED WITH ORDINANCE 96-67 (CONCERNING APPLICATION 96-103 COM 1 [LINTON-JOG]). THE AFFECTED PROPERTY IS A 9.7-ACRE PARCEL OF LAND (ADDISON CENTRE MUPD [MULTIPLE USE PLANNED DEVELOPMENT]) OWNED BY LINTON-JOG ASSOCIATES III, LTD., GEORGE OW, JR., DAVID L. OW, TERRY L. OW, AND FIDELITY FEDERAL BANK & TRUST, AND IS LOCATED AT THE SOUTHEAST CORNER OF LINTON BOULEVARD AND JOG ROAD. POSTPONED TO AUGUST 22, 2002 -- 7-25-2002

Charles ("Chuck") A. Millar, agent, requested a 30 day postponement on item 3.C.28.

MOTION to POSTPONE items 2.A.2., 2.A.3., 2.A.4., and 3.G.28. to August 22, 2002. Motion by Commissioner Aaronson and seconded by Commissioner McCarty.

POSTPONEMENTS - CONTINUED

PUBLIC COMMENT:

Eddie Gong, representing Linton Boulevard Associates, neighbor to Addison Centre MUPD, mentioned the inconvenience caused the public by repeated postponements and requested that he be notified if item 3.G.28. was anticipated to be canceled on August 22. He also asked for a copy of the final backup.

Agent Millar explained to Commissioner Newell that the postponements were occasioned by the petitioner trying to resolve certain issues with adjacent property owners.

Commissioner Aaronson invited Mr. Gong to call his office on August 20 to learn whether the item would be heard on August 22.

Zoning Director William C. Whiteford said the agent would keep Mr. Gong apprised of developments. Mr. Millar assured Commissioner Newell that he would do so.

Commissioner Newell directed that Mr. Gong be given a copy of the updated backup.

UPON CALL FOR A VOTE, the motion carried 50. Commissioners Masilotti and Roberts absent.

2.B. WITHDRAWALS

3.E.21.

PETITION 9-3

STATUS REPORT SR 1999-003 FOR RESOLUTIONS R-99-973 AND R-99-974 OF PETITION 99-3 (THOMAS GSTORE) OF MARY THOMAS, TRUSTEE, PETITIONER (PROPERTY OWNER: MN CORPORATION OF USA), TO APPROVE A TIME EXTENSION UNTIL MAY 27, 2004, FOR R99-973 AND R-99-974. THE 0.52-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF HAVERHILL ROAD AND LAKE WORTH ROAD AND IS ZONED GENERAL COMMERCIAL WITH A CLASS A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH GASOLINE SALES AS A REQUESTED USE. WITHDRAWN 7-25-2002

3.E.25.

PETITION 88-33

STATUS REPORT SR 1988-33E FOR RESOLUTION R98-1130 OF PETITION 88-33(E) (MURPHY'S TOWING) OF HAROLD MURPHY, PETITIONER (PROPERTY OWNER: TALLMAN), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL; TRAFFIC PERFORMANCE STANDARDS) IN R98-1130 AND TO APPROVE A TIME EXTENSION UNTIL MAY 22, 2004, TO COMMENCE DEVELOPMENT. THE 4.08-ACRE PROPERTY IS LOCATED APPROXIMATELY 330 FEET EAST OF CLEARLY ROAD ON THE NORTH SIDE OF SOUTHERN BOULEVARD AND IS ZONED LIGHT INDUSTRIAL WITH A SPECIAL EXCEPTION FOR A PLANNED INDUSTRIAL DEVELOPMENT. WITHDRAWN 7-25-2002

Zoning Director Whiteford added items 3.E.21. and 3.E.25. to withdrawals and advised the no motion was required.

(CLERK'S NOTE: The motion to adopt the agenda was made at this time. See page 1.)

3. CONSENT AGENDA

PUBLIC COMMENT: None

MOTION to approve the consent agenda as amended and adopt resolutions affirming the applicable actions. Motion by Commissioner McCarty, seconded by Commissioner Greene, and carried 50. Commissioners Masilotti and Roberts absent.

3.A. REQUESTS TO PULL ITEMS FROM CONSENT

Zoning Director Whiteford pulled item 3.C.7. on behalf of the agent; see pages 13-15.

Commissioner Newell pulled item 3.D.9. on behalf of the public; see pages 15-16.

3.B. PREVIOUSLY POSTPONED ZONING PETITIONS

**3.B.5. RESOLUTION R-2002-1234
(AMENDS R-2001-0813)**

RESOLUTION FOR PETITION DOA76-6(B) (SEDONA COMMONS) OF 8190 INVESTMENT, BY JAMES EXLINE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO CONFIGURE THE SITE PLAN AND ADD SQUARE FOOTAGE. THE 2.63-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND BENOIST FARMS ROAD. (P.O.P. 6283874 AND 6318884 [6-19-2002]) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

This item was amended on a memorandum to the board from the land development director.

3.C. ZONING PETITIONS

**3.C.6. RESOLUTION R-2002-1235
(AMENDS R-84-1314)**

RESOLUTION FOR PETITION CA84-94(A) (OKEECHOBEE MOBILE) OF R. B. GRAVES AND SON INC., BY KEN KRUGER, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH GAS SALES AND AN ACCESSORY CAR WASH. (P.O.P. 6407662) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

This item was amended on the amendments to the agenda sheet.

3.C.7. See pages 13-15.

3.C.8.

a. RESOLUTION R-2002-1236

RESOLUTION FOR PETITION Z73-216(B) (PALM BEACH BAPTIST CHURCH) OF PALM BEACH BAPTIST TEMPLE INC., BY KEVIN MCGINLEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO SINGLE-FAMILY RESIDENTIAL. THE 7.55-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.2 MILE SOUTH OF LANTANA ROAD ON THE WEST SIDE OF MILITARY TRAIL. (P.O.P. 6407662) ADOPTED 7-25-2002

CONSENT AGENDA - CONTINUED

3.C.8. - CONTINUED

b.

**RESOLUTION R-2002-1237
(AMENDS R-73-816, R-90-57, AND R-90-58)**

RESOLUTION FOR PETITION DOA73-216(B) (PALM BEACH BAPTIST CHURCH) OF PALM BEACH BAPTIST TEMPLE INC., BY KEVIN MCGINLEY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO EXPAND AN EXISTING CHURCH OR PLACE OF WORSHIP AND TO RECONFIGURE THE SITE PLAN. THE PROPERTY--7.55 ACRES, EXISTING; 14.27 ACRES, PROPOSED--IS LOCATED APPROXIMATELY 0.2 MILE SOUTH OF LANTANA ROAD ON THE WEST SIDE OF MILITARY TRAIL. (P.O.P. 6407662) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

Part b. of this item was amended on the amendments to the agenda sheet and on a memorandum to the board from the land development director.

3.D. PREVIOUSLY POSTPONED STATUS REPORTS

3.D.9. See pages 15-16.

3.D.10. PETITION 79-148

STATUS REPORT CR 1979-148B/E3 FOR RESOLUTION R-98-1297 FOR 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 R98-1297. THE 10.4-ACRE PROPERTY IS LOCATED APPROXIMATELY 500 FEET WEST OF JOG ROAD ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD AND IS ZONED GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA AND MODIFY THE SITE PLAN IN A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT. APPROVED 7-25-2002

3.E. STATUS REPORTS

3.E.11. PETITION 77-141

STATUS REPORT SR 1977-141A FOR RESOLUTION R-99-965 OF PETITION 77-141(A) (CHEVRON #47205) OF CHEVRON PRODUCTS COMPANY, PETITIONER (PROPERTY OWNER: STANDARD OIL COMPANY), TO APPROVE A TIME EXTENSION UNTIL MAY 27, 2004, FOR R-99-965 AND TO REVOKE CONCURRENCY RESERVATION 98-9000696-C. THE 1.08-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CAMINO REAL AND POWERLINE ROAD AND IS ZONED GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT TO ALLOW A CONVENIENCE STORE WITH GASOLINE SALES (REQUESTED USE) IN A SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT. APPROVED 7-25-2002

CONSENT AGENDA - CONTINUED

3.E.12.

**RESOLUTION R-2002-1238
(AMENDS R-99-964)**

RESOLUTION FOR STATUS REPORT SR 1978-154A FOR RESOLUTION R 99-964 OF PETITION 78-154(A) (NORTHLAKE CORPORATE PARK) OF NORTHLAKE CORPORATE PARK PARTNERSHIP, PETITIONER (PROPERTY OWNER: MCKAY INTERNATIONAL PROPERTIES, INC., AND NORTHLAKE CORPORATE PARK LLC), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) IN R99-964 AND TO APPROVE A TIME EXTENSION UNTIL MAY 27, 2003, TO COMMENCE DEVELOPMENT. THE 7.3-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF MILITARY TRAIL AND NORTHLAKE BOULEVARD AND IS ZONED MULTIPLE USE PLANNED DEVELOPMENT. ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 7-25-2002

3.E.13.

PETITION 78-239

STATUS REPORT SR 1978-239A.2 FOR RESOLUTIONS R97-659 AND R-97-660 OF PETITION 78-239(A) (ST. HERMAN ORTHODOX CHURCH) OF ST. HERMAN ORTHODOX CHURCH, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL MAY 22, 2004, FOR R97-659 AND R-97-660. THE 0.91-ACRE PROPERTY IS LOCATED APPROXIMATELY 600 FEET SOUTH OF HYPOLUXO ROAD ON THE WEST SIDE OF MILITARY TRAIL AND IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN WITH A SPECIAL EXCEPTION FOR A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES TO ALLOW A GENERAL DAYCARE (100 CHILDREN AND 30 ADULTS) AS A REQUESTED USE AND TO ADD SQUARE FOOTAGE (+3,708). APPROVED 7-25-2002

3.E.14.

PETITION 80-187

STATUS REPORT SR 1980-187F FOR RESOLUTION R-98-738 OF PETITION 80-187(F) (TRINITY CHURCH) OF TRUSTEES OF INTERNATIONAL CHURCH, PETITIONER (PROPERTY OWNER: INTERNATIONAL CHURCH TRUST #1), TO APPROVE A TIME EXTENSION UNTIL MAY 28, 2004, FOR R-98-738. THE 33.33-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.3 MILE SOUTH OF HYPOLUXO ROAD ON THE WEST SIDE OF MILITARY TRAIL AND IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN WITH A CLASS A CONDITIONAL USE TO ALLOW A TYPE 3 CONGREGATE LIVING FACILITY AND A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA (+16 ACRES), ADD A RETREAT HOUSE (10 UNITS), AND RECONFIGURE THE SITE. APPROVED 7-25-2002

(Rest of page intentionally blank)

CONSENT AGENDA - CONTINUED

3.E.15.

PETITION 84-173

STATUS REPORT SR 1984-173C FOR RESOLUTIONS R92-1102 AND R-92-1103 OF PETITION 84-173(B) (WESTWARD AUTO SERVICE PCD) OF SCOTT P. LEWIS AND CAROL J. LEWIS, PETITIONER (PROPERTY OWNER: MEDINA, LLC), TO APPROVE A TIME EXTENSION UNTIL APRIL 23, 2004, FOR R-92-1102 AND R-92-11103. THE 1.2-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.1 MILE EAST OF TALLAHASSEE DRIVE ON THE SOUTH SIDE OF WESTGATE AVENUE, BOUNDED ON THE SOUTH BY NOKOMIS AVENUE, AND IS ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION FOR PLANNED COMMERCIAL DEVELOPMENT (PCD), INCLUDING VEHICLE SALES AND RENTAL SERVICE, AN AUTO SERVICE STATION (WITH MAJOR REPAIRS) (AMEND THE SITE PLAN FOR A PREVIOUSLY APPROVED PCD TO INCREASE LAND AREA, INCREASE BUILDING SQUARE FOOTAGE, AND REDESIGN THE SITE) AND A DEVELOPMENT ORDER AMENDMENT TO MODIFY THE SITE PLAN, ADD SQUARE FOOTAGE, AND ALLOW AN AUTO PAINT AND BODY SHOP. APPROVED 7-25-2002

3.E.16.

**RESOLUTION R-2002-1239
(AMENDS R-90-839)**

RESOLUTION FOR STATUS REPORT SR 1986-008C.9 FOR RESOLUTIONS R-90-838 AND R90-839 OF PETITION 86-8(C) (PINWOOD SQUARE PCD) TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL GUIDELINES) IN R-90-839 AND TO APPROVE A TIME EXTENSION UNTIL MAY 22, 2003, TO COMMENCE DEVELOPMENT. THE 4.65-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LANTANA ROAD AND JOG ROAD AND IS ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING PLANNED COMMERCIAL DEVELOPMENT (PCD) TO INCREASE THE LAND AREA, PERMIT AN AUTO SERVICE STATION (TIRE CENTER), AND ADD A FINANCIAL INSTITUTION WITH FIVE DRIVE-UP TELLER WINDOWS. ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 7-25-2002

3.E.17.

**RESOLUTION R-2002-1240
(AMENDS R-90-859)**

RESOLUTION FOR STATUS REPORT SR 1989-132.8 FOR RESOLUTIONS R 90-858 AND R-90-859 (PETITION 89-132) (SEHAYIK CENTRE PCD [PLANNED COMMERCIAL DEVELOPMENT]) OF SAMI SEHAYIK, RONI SEHAYIK, AND ROZANNE SEHAYIK, PETITIONER-PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL) IN R-90-859 AND TO APPROVE A TIME EXTENSION UNTIL MAY 22, 2004, TO COMMENCE DEVELOPMENT. THE 1.9-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF STATE ROAD AIA AND RICHARD ROAD AND IS ZONED SPECIALIZED COMMERCIAL WITH A SPECIAL EXCEPTION FOR A PLANNED OFFICE BUSINESS PARK, INCLUDING A RESTAURANT AND LOUNGE. ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 7-25-2002

CONSENT AGENDA - CONTINUED

3.E.18.

**RESOLUTION R-2002-1241
(AMENDS R-93-647)**

RESOLUTION FOR STATUS REPORT SR 1993-002.4 FOR RESOLUTION R 93-647 OF PETITION 93-2 (JOY OF LIVING CHURCH OF GOD) OF JOY OF LIVING CHURCH OF GOD, PETITIONER (EUSTACE DOUGLAS AND IRIS A. DOUGLAS, PROPERTY OWNER), TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL) IN R93-647 AND TO APPROVE A TIME EXTENSION UNTIL MAY 27, 2004, TO COMMENCE DEVELOPMENT. THE 1.8-ACRE PROPERTY IS LOCATED APPROXIMATELY 200 FEET SOUTH OF HAVERHILL ROAD AND PINEBREEZE COURT, APPROXIMATELY 0.5 MILE NORTH OF STATE ROAD 80 ON THE WEST SIDE OF HAVERHILL ROAD AND IS ZONED MULTIFAMILY RESIDENTIAL (MEDIUM DENSITY) WITH A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP. ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 7-25-2002

3.E.19.

PETITION 93-19

STATUS REPORT SR 1993-19.3 FOR RESOLUTION R93-1025 OF PETITION 93-19 (HAITIAN CHURCH OF GOD) OF SERGE JEROME, PETITIONER (PROPERTY OWNER: LAKE WORTH HAITIAN CHURCH OF GOD), TO APPROVE A TIME EXTENSION UNTIL MAY 12, 2003, FOR R-93-1025. THE 1.49-ACRE PROPERTY IS LOCATED APPROXIMATELY ONE BLOCK WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF MELALEUCA LANE AND IS ZONED MULTIFAMILY RESIDENTIAL (MEDIUM DENSITY) WITH A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP WITH ACCESSORY DAY CARE (30 CHILDREN). APPROVED 7-25-2002

3.E.20.

PETITION 95-14

STATUS REPORT SR 1995-014.2 FOR RESOLUTION R95-716 OF PETITION 95-14 (MARY MOTHER OF LIGHT PARISH HALL) OF MARY MOTHER OF LIGHT MARONITE CATHOLIC CHURCH, PETITIONER (PROPERTY OWNER: EPARCHY OF ST. MARON OF BROOKLYN), TO APPROVE A TIME EXTENSION UNTIL MAY 25, 2004, FOR R-95-716. THE 4.7-ACRE PROPERTY IS LOCATED APPROXIMATELY 600 FEET NORTH OF FOREST HILL BOULEVARD AT THE NORTHERN TERMINUS OF LONE PINE WAY AND IS ZONED MULTIFAMILY RESIDENTIAL (MEDIUM DENSITY) WITH A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP. APPROVED 7-25-2002

3.E.21. See page 4.

3.E.22.

PETITION 99-19

STATUS REPORT SR 1999-019 FOR RESOLUTIONS R-99-967 AND R-99-968 (ABELL'S NURSERY) OF ELBERT R. ABELL AND MELODY S. ABELL, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL MAY 27, 2004, FOR R-99-967 AND R-99-968. THE 9.41-ACRE PROPERTY IS LOCATED APPROXIMATELY 2,700 FEET WEST OF MILITARY TRAIL ON THE SOUTH SIDE OF HYPOLUXO ROAD AND IS ZONED RESIDENTIAL TRANSITIONAL SUBURBAN WITH A CLASS A CONDITIONAL USE TO ALLOW A RETAIL NURSERY. APPROVED 7-25-2002

CONSENT AGENDA - CONTINUED

3.E.23.

PETITION 92-48

STATUS REPORT CR 1992-048B/E5 FOR RESOLUTION R2000-1704 OF PETITION 92-48(B) (MUSLIM COMMUNITY) OF MUSLIM COMMUNITY OF PALM BEACH COUNTY, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL JUNE 1, 2003, TO COMPLY WITH CONDITION E.5. OF R2000-1704. THE 1.4-ACRE PROPERTY IS LOCATED APPROXIMATELY 300 FEET EAST OF HAVERHILL ROAD ON THE NORTH SIDE OF PURDY LANE AND IS ZONED SINGLEFAMILY RESIDENTIAL WITH A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP. APPROVED 7-25-2002

3.E.24.

**RESOLUTION R-2002-1242
(AMENDS R-99-2254)**

RESOLUTION FOR STATUS REPORT CR 1999-055/E1 FOR RESOLUTION R 99-2254 OF PETITION 99-55 (ATLANTIS AUTO) OF ESFANDIAR BEHBOUDI AND GEORGE KONCIR, PETITIONER-PROPERTY OWNER, TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL; TRAFFIC PERFORMANCE STANDARDS) IN R-99-2254 AND APPROVE A TIME EXTENSION UNTIL JUNE 1, 2003, TO COMMENCE DEVELOPMENT. THE 1.65-ACRE PROPERTY IS LOCATED APPROXIMATELY 1,200 FEET WEST OF CONGRESS AVENUE ON THE NORTH SIDE OF LAKE WORTH ROAD AND IS ZONED GENERAL COMMERCIAL WITH A CLASS A CONDITIONAL USE TO ALLOW REPAIR AND GENERAL MAINTENANCE. ADOPTED WITH CONDITIONS AND APPROVED TIME EXTENSION 7-25-2002

3.E.25. See page 4.

3.F. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS

3.F.26.

**PETITION 77-77
(REVOKES VOLUNTARY COMMITMENTS IN R-99-1216 AND R-77-628)**

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR-2002-006 OF PETITION CB77-77(B) (ATLANTIS OUTPATIENT CENTER (NEEDLE PROPERTY)) OF ATLANTIS INVESTMENT GROUP, LLC, BY STEVEN E. TATE, AGENT, FOR A CLASS B CONDITIONAL USE TO ALLOW A MEDICAL OFFICE IN THE COMMUNITY COMMERCIAL ZONING DISTRICT ON AN 0.85-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILITARY TRAIL AND COLLIER ROAD. SUBJECT TO CONDITIONS OF APPROVAL DESCRIBED IN EXHIBIT C CONTAINED IN ZONING COMMISSION RESOLUTION ZR-2002-006; REVOKES VOLUNTARY COMMITMENTS CONTAINED IN BCC ZONING RESOLUTIONS R99-1216 AND R-77-628 -- 7-25-2002

(Rest of page intentionally blank)

CONSENT AGENDA - CONTINUED

3.F.27.

PETITION 2002-018

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR2002-007 OF PETITION CB2002-018 (KING'S ACADEMY AND PALM BEACH COUNTY PARK AT SANBURY'S WAY) OF KING'S ACADEMY AND PALM BEACH COUNTY, BY KILDAY & ASSOCIATES, AGENT, FOR A CLASS B CONDITIONAL USE TO ALLOW A GENERAL DAYCARE IN THE INSTITUTIONAL AND PUBLIC FACILITIES ZONING DISTRICT ON A 206.73-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF BELVEDERE ROAD AND SANBURY'S WAY. (SEE R-2002-1258) APPROVED, SUBJECT TO CONDITIONS OF APPROVAL DESCRIBED IN EXHIBIT C, ATTACHED TO PETITION CA2002-018, CONTAINED IN BCC ZONING RESOLUTION R2002-1258 -- 7-25-2002

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

3.G.28. See pages 3-4.

3.H. TDR CONTRACTS, ESCROW AGREEMENTS, AND DEEDS

3.H.29.

a. DOCUMENT R-2002-1243

CONTRACT WITH CENTEX HOMES FOR THE SALE AND PURCHASE OF 11 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 \$114,389 FOR PETITION PDD/TDR86-87(B) (SIERRA PALMS PUD [PLANNED UNIT DEVELOPMENT], A 9.56-ACRE PROPERTY LOCATED 3,650 FEET EAST OF JOG ROAD ON THE SOUTH SIDE OF LINTON BOULEVARD)). (SEE R-2002-1006) APPROVED 7-25-2002

b. DOCUMENT R-2002-1244

ESCROW AGREEMENT WITH CENTEX HOMES FOR THE SALE AND PURCHASE OF 11 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 \$114,389 FOR PETITION PDD/TDR86-87(B) (SIERRA PALMS PUD [PLANNED UNIT DEVELOPMENT], A 9.56-ACRE PROPERTY LOCATED 3,650 FEET EAST OF JOG ROAD ON THE SOUTH SIDE OF LINTON BOULEVARD)). (SEE R-2002-1006) APPROVED 7-25-2002

3.H.30.

DOCUMENT R-2002-1245

DEED CONVEYING 11 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS TO CENTEX HOMES WITH SIERRA PALMS PUD (PLANNED UNIT DEVELOPMENT) AS THE TDR RECEIVING AREA FOR THOSE UNITS (PDD/TDR86-87[B]) [SIERRA PALMS PUD, A 9.56-ACRE PROPERTY LOCATED 3,650 FEET EAST OF JOG ROAD ON THE SOUTH SIDE OF LINTON BOULEVARD)). (SEE R-2002-1006) APPROVED 7-25-2002

CONSENT AGENDA - CONTINUED

3.H.31.

a. DOCUMENT R-2002-1246

CONTRACT WITH TOWN & COUNTRY BUILDERS INC. FOR THE SALE AND PURCHASE OF 66 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE PALM BEACH COUNTY TDR BANK AT A PURCHASE PRICE OF \$9,883 PER UNIT FOR A TOTAL PRICE OF \$652,278 FOR PETITION PDD/TDR97-121 (DIAMOND C RANCH PLANNED UNIT DEVELOPMENT, A 267.04-ACRE PROPERTY LOCATED APPROXIMATELY 850 FEET SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BENOIST FARMS ROAD). (SEE R-2000-0900) APPROVED 7-25-2002

b. DOCUMENT R-2002-1247

ESCROW AGREEMENT WITH TOWN & COUNTRY BUILDERS INC. FOR THE SALE AND PURCHASE OF 66 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS FROM THE PALM BEACH COUNTY TDR BANK AT A PURCHASE PRICE OF \$9,883 PER UNIT FOR A TOTAL PRICE OF \$652,278 FOR PETITION PDD/TDR97-21 (DIAMOND C RANCH PLANNED UNIT DEVELOPMENT, A 267.04-ACRE PROPERTY LOCATED APPROXIMATELY 850 FEET SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BENOIST FARMS ROAD). (SEE R-2000-0900) APPROVED 7-25-2002

3.H.32. DOCUMENT R-2002-1248

DEED CONVEYING 66 TRANSFER OF DEVELOPMENT RIGHTS (TDR) UNITS TO TOWN & COUNTRY BUILDERS INC. WITH DIAMOND C RANCH AS THE TDR RECEIVING AREA FOR THOSE UNITS (PDD/TDR97-21 DIAMOND C RANCH PLANNED UNIT DEVELOPMENT, A 267.04-ACRE PROPERTY LOCATED APPROXIMATELY 850 FEET SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BENOIST FARMS ROAD). (SEE R-2000-0900) APPROVED 7-25-2002

3.I. CORRECTIVE RESOLUTIONS

**3.I.33. RESOLUTION R-2002-1249
(AMENDS R-2002-0611)**

RESOLUTION FOR PETITION Z/COZ98-73(3) (MONTEREY PROFESSIONAL CENTER) OF HERBERT F. KAHLERT AND KARL KAHLERT, COTRUSTEES, TO CORRECT CONDITION G.2. OF RESOLUTION R2002-0611. THE 4.94-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF BOYNTON BEACH BOULEVARD AND HAGEN RANCH ROAD AND IS ZONED COMMERCIAL HIGH-OFFICE WITH A CONDITIONAL OVERLAY ZONE. ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

This item was amended on the amendments to the agenda sheet.

CONSENT AGENDA - CONTINUED

3.I.34.

**RESOLUTION R-2002-1250
(AMENDS R-2002-0620)**

RESOLUTION FOR PETITION DOA90-17(B) (BOYNTON SELF STORAGE) OF LAWRENCE GABRIEL TO CORRECT EXHIBIT C (CONDITIONS OF APPROVAL) OF RESOLUTION R-2002-0620. THE 6.32-ACRE PROPERTY IS LOCATED APPROXIMATELY 500 FEET EAST OF HAGEN RANCH ROAD ON THE SOUTH SIDE OF BOYNTON BEACH BOULEVARD. ADOPTED WITH CONDITIONS 7-25-2002

4.B.36.

RESOLUTION R-2002-1251

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 BOUNDED ON THE EAST AND WEST BY ENTERPRISE AVENUE AND CENTRAL INDUSTRIAL AVENUE. (P.O.P. 6283874 AND 6318884 [6-19-2002]) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

This item was amended on a memorandum to the board from the land development director and moved to the consent agenda at the request of the zoning director.

Jennifer Morton, agent, confirmed that the conditions contained in the resolution were agreed to by the City of Riviera Beach.

4.C.39.

RESOLUTION R-2002-1252

RESOLUTION FOR PETITION Z2002-019 (ACREAGE COMMUNITY PARK) OF INDIAN TRAIL IMPROVEMENT DISTRICT, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO PUBLIC OWNERSHIP FOR THE 28.9-ACRE PROPERTY LOCATED APPROXIMATELY 2,200 FEET SOUTH OF ORANGE AVENUE ON THE WEST SIDE OF 140TH AVENUE. (P.O.P. 6407662) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

This item was amended on the amendments to the agenda sheet and moved to the consent agenda at the request of the zoning director.

4. REGULAR AGENDA

4.A. ITEMS PULLED FROM CONSENT AGENDA

3.C.7.

RESOLUTION R-2002-1253

RESOLUTION FOR PETITION Z2002-010 (MADISON ESTATES) OF HERBERT F. KAHLERT AND HEINZ KAHLERT, BY CANDY ANDERSON, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) FOR THE 10.35-ACRE PROPERTY LOCATED APPROXIMATELY 1,780 FEET WEST OF JOG ROAD ON THE NORTH SIDE OF WOOLBRIGHT ROAD. (P.O.P. 6407662) ADOPTED WITH CONDITIONS AS AMENDED AND WITH DIRECTION 7-25-2002

REGULAR AGENDA - CONTINUED

3.C.7. - CONTINUED

This item was amended on the amendments to the agenda sheet and in a memorandum to the board from the land development director.

Kieran J. Kilday, agent, said that he had asked that the item be pulled because of condition E.4.d. (buildout) and detailed major problems attendant on buildout dates. He asked that the board consider removing the buildout date for this petition and suggested that the issue of doing away with buildout dates in general be discussed at the October workshop.

Board discussion focused on the county's buildout date policy, attendant problems, and on the necessity of reasonable buildout dates and developer adherence to them.

County Engineer George T. Webb explained that the petitioner obtained the concurrency reservation in May 2002. There was no reference to a buildout date on the concurrency reservation certificate, as was done formerly, because county staff thought it had received board direction to put buildout dates in zoning conditions. This same situation will obtain with certain other petitions, he said.

Commissioner Marcus acknowledged it was a fairness issue in terms of what the board's intent was. She herself wanted buildout dates on concurrency reservation certificates, not in conditions of approval.

Commissioner Aaronson agreed it was a matter of fairness. Rules should not be changed after someone has gone forward in reliance upon them. He indicated agreement with applying the change in rules to future projects, should that be the board's desire.

Commissioner McCarty recommended returning to the former policy for the relevant petitions on today's agenda and taking a comprehensive look at the issue in the August workshop.

Commissioner Aaronson proposed the imposition of double impact fees or other penalty for developers not meeting buildout deadlines.

Mr. Webb suggested that the board direct that any concurrency reservation issued from today forward contain language stating that it may not shall) be subject to conditions related to buildout date.

PUBLIC COMMENT: None

MOTION to adopt a resolution approving the request for a rezoning from AR to RTS as amended and deleting condition E.4.d. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 50. Commissioners Masilotti and Roberts absent.

MOTION to direct staff to ensure that any developer applying for a concurrency reservation in the future include the project's buildout date on the certificate. Motion by Commissioner Marcus and seconded by Commissioner McCarty.

REGULAR AGENDA - CONTINUED

3.C.7. - CONTINUED

Commissioner McCarty recommended scheduling the buildout date policy at the beginning of the August 22, 2002, public hearing to allow for public input on the matter.

In response to a question by Commissioner Newell, Land Development Director Kenneth S. Rogers stated that the county could not issue multiple concurrency certificates for different parts of a project with different buildout dates. Under the current traffic performance standards (TPS) ordinance, he said, a developer had to include all of the traffic from all of the project at final buildout and had to address that traffic versus the capacity at that time. Commissioner McCarty remarked that the board might want to consider revising the TPS ordinance to include the issue raised by Mr. Newell.

Engineering Assistant Jim Choban asked if the buildout date would be added to the certificate as a condition. Commissioner Newell indicated that it would.

UPON CALL FOR A VOTE, the motion carried 50. Commissioners Masilotti and Roberts absent.

Planning, Zoning and Building Executive Director Barbara Alterman asked whether, since the board had agreed to remove the buildout date from the Madison Estates petition, they wished to do the same for similarly situated petitions on today's agenda. The board indicated that, in the absence of petitioner objections, they did not wish to do so.

3.D.9.

PETITION 84-163

STATUS REPORT SR 1984-163A.5 FOR RESOLUTION R-94-358 OF PETITION 84-163(A) (ARCADIA PROPERTIES) OF ARCADIA PROPERTIES, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL MARCH 24, 2004, FOR R94-358. THE 4.04-ACRE PROPERTY IS LOCATED APPROXIMATELY 2.0 MILES NORTH OF WEST ATLANTIC AVENUE AND SOUTH OF STEINER ROAD ON THE WEST SIDE OF MILITARY TRAIL AND IS ZONED COMMUNITY COMMERCIAL WITH A CONDITIONAL OVERLAY ZONE. POSTPONED TO AUGUST 22, 2002-- 7-25-2002

PUBLIC COMMENT:

Lewis J. Doctor, president of Coalition of West Boynton Residential Associations (COWBRA), said that the project was high commercial in the midst of residential properties, that it had been initiated in 1984, and that a time extension until 2004 would mean that development had not commenced in 20 years. He expressed concern about the viability of the project in view of current zoning laws and permitting, setbacks, landscaping, and other requirements.

Senior Planner John Pancoast responded that staff had found that the traffic met current standards and that the land use and zoning were in compliance with today's regulations.

Commissioner Marcus proposed revoking the resolution with a view to enhancing the property if it were packaged with a bigger piece of property.

REGULAR AGENDA - CONTINUED

3.D.9. - CONTINUED

Commissioner McCarty commented that the area was going through an upgrade and that she did not want to lose that opportunity with this property.

Assistant County Attorney Banks advised postponing the item if the board favored revocation in order that a revoking resolution be prepared. Zoning Director Whiteford also suggested a postponement, during which his office would review the matter.

MOTION to POSTPONE the item for 30 days (August 22, 2002). Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 5-0. Commissioners Masilotti and Roberts absent.

4.B. PREVIOUSLY POSTPONED ZONING PETITIONS

4.B.35. RESOLUTION R-2002-1254

RESOLUTION FOR 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 ON THE 4.8-ACRE PROPERTY LOCATED APPROXIMATELY 1,600 FEET EAST OF CONGRESS AVENUE ON THE NORTH SIDE OF 2ND AVENUE. (P.O.P. 6133597 AND 6181973 [425-2002]) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

Lenese Naval-Estiverne, executive director of the Haitian Resource Center and pastor of True Tabernacle of Jesus Christ Ministries, discussed the services the church would provide.

Ron Uphoff, agent, detailed the changes made by the petitioner in response to neighbors' requests.

Commissioner Newell discussed his concerns about no parking in the retention area, special events, noise, and parking for special events.

PUBLIC COMMENT:

Dennis P. Koehler, agent for several property owners in Englewood Manor as well as for Richard Friderich, raised a concern about condition G.1.b. In meetings with residents, prior to the Zoning Commission meeting, the petitioner had agreed to build a six-foot-high concrete block masonry wall on a portion of the south, east, and west property lines. At the Zoning Commission meeting, however, the petitioner said that building the wall would be too expensive and requested the vinyl fence alternative. Mr. Koehler, Rosemary Stevens, and Richard Friderich said the petitioner should be held to the agreed-upon concrete wall in order to more effectively address noise from the 60child daycare center as well as safety issues. Mr. Friderich pointed out that the fence would not have the longevity of the wall.

Commissioner Newell disclosed that he had received a 95-signature petition in favor of the wall and that he passed it on to the Zoning Division.

Commissioner McCarty agreed that a wall between residences and a church with daycare center was preferable.

REGULAR AGENDA - CONTINUED

4.B.35. - CONTINUED

Agent Uphoff enumerated the advantages of the fence.

MOTION to adopt a resolution approving the conditional use to allow a church or place of worship and a general daycare, subject to conditions as amended, including installation of a Deco Rail fence (a prefabricated vinyl privacy fence). Motion by Commissioner Greene and seconded by Commissioner Aaronson.

Zoning Director Whiteford said that amendments would be made to the conditions of approval to reflect that:

- The property shall be limited to a maximum of two special events per year for a period not exceeding seven days each and limited to local parishioners only. (Condition M.3.)
- All parking shall be limited to the areas designated on the site plan and that no parking shall be allowed in the dry retention area. (Condition M.6.)
- No outdoor loudspeaker systems or amplified music shall be permitted on site. (Condition M.7.)

Commissioner Newell said he would not support the motion because it was important to buffer the site because of its proximity to so many neighbors. The wall had been reduced from 10 feet to 8 feet and then to 6 feet, he said. Mr. Whiteford discussed a combination of fence and buffering.

UPON CALL FOR A VOTE, the motion FAILED 23. Commissioners McCarty, Marcus, and Newell opposed. Commissioners Masilotti and Roberts absent.

MOTION to adopt a resolution approving the conditional use to allow a church or place of worship and a general daycare, subject to conditions as amended, including installation of a concrete wall. Motion by Commissioner Marcus and seconded by Commissioner McCarty.

Commissioner Marcus confirmed to Commissioner Newell that a concrete wall would be used in one area [portions of the south, east, and west property lines] and a vinyl-coated chain link fence in another, with landscaping [entire north property line and portions of east and west property lines], as had been described by Mr. Whiteford for the fence alone.

UPON CALL FOR A VOTE, the motion carried 3-2. Commissioners Aaronson and Green opposed. Commissioners Masilotti and Roberts absent.

4.B.36. See page 13.

REGULAR AGENDA - CONTINUED

4.B.37.

RESOLUTION R-2002-1255
(AMENDS R-99-986)

RESOLUTION FOR PETITION DOA99-878(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 GASOLINE SALES, A CAR WASH, AND A FAST FOOD RESTAURANT ON THE 23.84-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF OG ROAD AND WOOLBRIGHT ROAD. (P.O.P. 6283874 AND 6318884 [6-19-2002]) ADOPTED WITH CONDITIONS AS AMENDED (NO CONVENIENCE STORE, GAS SALES, OR CAR WASH) -- 7-25-2002

This item was amended on a memorandum to the board from the land development director.

Kieran J. Kilday, agent, requested the following modifications to the conditions of approval:

- Revision of condition Q.6. so that the interconnection is built concurrent with the center. Replace the first clause ("Prior...Phase 2") with "Concurrent with the issuance of building permits in excess of 15,120 square feet, the petitioner shall construct...."
- Revision of condition E.3.d. to delete the buildout date. The concurrency certificate for this project (Shoppes of Madison) is the same as for item 3.C.7. (Madison Estates).

PUBLIC COMMENT:

Lew Doctor, president of Coalition of West Boynton Residential Associations (COWBRA), said the group's concerns had been resolved and endorsed location of the gas station behind Walgreen's on the future Woolbright Road

Opposition to the gas station was expressed by: Lee Borovay; Murray B. Cohen; Sheri Haibi, president of Madison Lakes Homeowners Association; Stanley Kazerman; Jack Leicher of Cascade Residents Association; Jerry Shorr; and William C. Thompson. Mr. Shorr distributed a map, with attachment, showing 13 gas stations within 12.6 square miles of the proposed gas station. Mr. Borovay, Ms. Haibi, and Mr. Thompson were similarly opposed to the convenience store, the former two speakers expressing opposition to the car wash as well. Concerns cited were safety of the children, potential for crime, saturation of gas stations in area, and noise, light, and air pollution. Ms. Haibi called for an extensive berm and landscaping.

Commissioner McCarty said a moratorium was needed on gas stations.

MOTION to receive and file Mr. Shorr's document. Motion by Commissioner Greene, seconded by Commissioner Marcus, and carried 50. Commissioners Masilotti and Roberts absent.

Commissioner Newell read the public comment card of Richard Linde who expressed opposition to the gas station and to any major franchise fast food restaurant. He also read the comment card of Phil Busacco who expressed support for the project and stated the landscaping needed to be upgraded.

REGULAR AGENDA - CONTINUED

4.B.37. - CONTINUED

Commissioner Aaronson said that with 13 gas stations in the area, another one was not needed. Commissioner Greene agreed.

Principal Site Planner Maryann Kwok confirmed to Commissioner Marcus that the petitioner had exceeded landscaping requirements.

MOTION to adopt a resolution approving a development order amendment for a fast food restaurant, with conditions as amended, but not for a convenience store, gas sales, or car wash. Motion by Commissioner Aaronson and seconded by Commissioner Greene.

Zoning Director Whiteford said the Palm Beach County Health Department wished to add a condition concerning the fast food restaurant.

Engineering Assistant Choban noted that engineering condition changes had been distributed earlier in the meeting.

Ms. Kwok made two changes to the conditions of approval:

- Added condition M.7. The neon sign for the pharmacy shall be extinguished no later than 11:00 p.m.
- Revised condition L.6. Corrected the condition letter.

UPON CALL FOR A VOTE, the motion carried

Agent Kilday asked if the motion included deletion of the buildout condition, as he had requested earlier in the discussion. Commissioner Newell responded that the motion did not include deletion of the buildout condition and that it could be addressed separately.

RECESS

At 12:00 m., the chair declared a brief recess.

RECONVENE

At 12:05 p.m., the board reconvened with Commissioners Aaronson, Greene, McCarty, Marcus, and Newell present.

Zoning Director Whiteford read the Health Department condition into the record:

Palm Beach County Health Department will investigate complaints regarding restaurant exhaust emissions. Appropriate enforcement action will be taken if the emissions are in violation of general pollution emission limiting standards of chapter section 62-296 of the Florida Administrative Code.

A discussion ensued on retaining or deleting the buildout condition. The board informally agreed to retain the condition.

Later, Mr. Kilday made a request concerning the buildout condition (see page 21).

REGULAR AGENDA - CONTINUED

4.C. ZONING PETITIONS

4.C.38.

a. RESOLUTION R-2002-1256

RESOLUTION FOR PETITION Z2002-018 (KING'S ACADEMY AND PALM BEACH COUNTY PARK AT SANSBURY'S WAY) OF KING'S ACADEMY AND PALM BEACH COUNTY PROPERTY AND REAL ESTATE MANAGEMENT DEPARTMENT, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO SINGLE FAMILY RESIDENTIAL (RS) FOR 12.96 ACRES LOCATED AT THE NORTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY. (P.O.P. 6407662) ADOPTED 7-25-2002

b. RESOLUTION R-2002-1257

RESOLUTION FOR PETITION Z2002-018 (KING'S ACADEMY AND PALM BEACH COUNTY PARK AT SANSBURY'S WAY) OF KING'S ACADEMY AND PALM BEACH COUNTY PROPERTY AND REAL ESTATE MANAGEMENT DEPARTMENT, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM PUBLIC OWNERSHIP (PO) TO INSTITUTIONAL AND PUBLIC FACILITIES (IPF) FOR 46.94 ACRES LOCATED AT THE NORTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY. (P.O.P. 6407662) ADOPTED 7-25-2002

c. RESOLUTION R-2002-1258

RESOLUTION FOR PETITION CA2002-018 (KING'S ACADEMY AND PALM BEACH COUNTY PARK AT SANSBURY'S WAY) OF KING'S ACADEMY AND PALM BEACH COUNTY PROPERTY AND REAL ESTATE MANAGEMENT DEPARTMENT, BY KIERAN J. KILDAY, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A PRIVATE SCHOOL ON THE 206.73-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY. (P.O.P. 6407662) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

d. RESOLUTION R-2002-1259

RESOLUTION FOR PETITION Z2002-018 (KING'S ACADEMY AND PALM BEACH COUNTY PARK AT SANSBURY'S WAY) OF KING'S ACADEMY AND PALM BEACH COUNTY PROPERTY AND REAL ESTATE MANAGEMENT DEPARTMENT, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO PUBLIC OWNERSHIP (PO) FOR 5.0 ACRES LOCATED AT THE NORTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY. (P.O.P. 6407662) ADOPTED 7-25-2002

e. RESOLUTION R-2002-1260

RESOLUTION FOR PETITION COZ2002-018 (KING'S ACADEMY AND PALM BEACH COUNTY PARK AT SANSBURY'S WAY) OF KING'S ACADEMY AND PALM BEACH COUNTY PROPERTY AND REAL ESTATE MANAGEMENT DEPARTMENT, BY KIERAN J. KILDAY, AGENT, FOR A CONDITIONAL OVERLAY ZONE FOR THE 146.89-ACRE PARK SITE LOCATED AT THE NORTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY. (P.O.P. 6407662) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

REGULAR AGENDA - CONTINUED

4.C.38. - CONTINUED

Part c. of this item was amended on a memorandum to the board from the land development director.

Kieran J. Kilday, agent, made following the following requests:

- Deletion of condition E.9. (item 4.C.38.c.), which contains a buildout date for the school.
- Deletion of condition E.3. (item 4.C.38.e.), which contains a buildout date for the park.

Mr. Kilday asked that if the conditions were not deleted, that a clause be inserted in each to the effect that if the county revamped its buildout procedures, the petitioner would not come back for a modification of conditions. In that event, Commissioner Newell suggested grandfathering in relevant petitions.

Mr. Kilday requested that a similar clause be added to his Shoppes of Madison petition discussed earlier (see item 4.B.37., page 19).

Commissioner McCarty said the school buildout date should be retained. Traffic should not be a deciding factor on schools, she contended.

Commissioner Aaronson agreed with Commissioner McCarty. He would hate to see a school-or hospital--half built, he said.

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

PUBLIC COMMENT:

Charles J. Baumann spoke in support of the item.

Property and Real Estate Management Director Ross Hering said that Thousand Pines residents wanted the tree island constructed concurrent with the school Phase I. He discussed why staff believed it should be constructed in Phase II of the park and lake tract. Board and staff agreed. Mr. Kilday later noted that the first sentence of condition B.3., item 4.C.38.e., should be deleted in accordance with this decision.

George T. Webb, speaking as a resident of Thousand Pines, noted what he had told his association's board of directors. Mr. Hering said that the association would be approached later concerning buffer treatments. Should the association express any objections at the time, staff was required to revisit the site plan with the board. Commissioner Marcus stated that buffer planting could be done separately from this petition.

MOTION to adopt a resolution approving a rezoning from AR to RS for 12.96 acres. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

MOTION to adopt a resolution approving a rezoning from PO to IPF for 46.94 acres. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

REGULAR AGENDA - CONTINUED

4.C.38. - CONTINUED

MOTION to adopt a resolution approving a conditional use to allow a private school, subject to conditions as amended, including deletion of condition E.9. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

MOTION to adopt a resolution approving a rezoning from AR to PO for 5.00 acres. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

MOTION to adopt a resolution approving a conditional overlay zone for the 146.89-acre park site, subject to conditions as amended, not including deletion of condition E.3. Motion by Commissioner Marcus, seconded by Commissioner McCarty, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

4.C.39. See page 13.

4.C.40.

a. **RESOLUTION R-2002-1261**

RESOLUTION FOR PETITION Z2002-003 (BAHA'I INSTITUTE) OF MAGDALENE CARNEY BAHA'I INSTITUTE INC., BY KEVIN MCGINLEY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL (AR) TO SINGLEFAMILY RESIDENTIAL (RS) FOR THE 5.0-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE EAST OF JOG ROAD ON THE SOUTH SIDE OF SUMMIT BOULEVARD. (P.O.P. 6407662) ADOPTED 7-25-2002

b. **RESOLUTION R-2002-1262**

RESOLUTION FOR PETITION CA2002-003 (BAHA'I INSTITUTE) OF MAGDALENE CARNEY BAHA'I INSTITUTE INC., BY KEVIN MCGINLEY, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A CHURCH OR PLACE OF WORSHIP ON THE 5.0-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE EAST OF JOG ROAD ON THE SOUTH SIDE OF SUMMIT BOULEVARD. (P.O.P. 6407662) ADOPTED WITH CONDITIONS AS AMENDED 7-25-2002

Cap Cornwell encapsulated the Baha'i faith, programs, and services for the board.

Kevin McGinley, agent, agreed to all conditions except C.1.a. He requested that the retreat facility be amended from a minimum of 80 feet to 60 feet from the south property line.

PUBLIC COMMENT:

Andrew David Stine submitted a petition opposing the project.

MOTION to receive and file the petition. Motion by Commissioner Greene, seconded by Commissioner Marcus, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

REGULAR AGENDA - CONTINUED

4.C.40. - CONTINUED

Mr. Stine distributed a paper containing the thrust of his argument to the board.

(CLERK'S NOTE: The paper was not provided to the clerk.)

Mr. Stine contended that according to county code, a 39bed retreat facility was not allowed except as an accessory to a church or place of worship used as the primary facility. Since there was no church as primary facility in this instance, the retreat facility should not be allowed. Further, a religious retreat should not be allowed in a residential area, he said.

Dennis P. Koehler, agent for several property owners in the immediate vicinity, made the following remarks:

- He requested that the ficus trees on the western perimeter be removed.

Commissioner McCarty responded that the trees would be removed by the Environmental Resources Management Department.

- His clients were concerned the Baha'i Institute would use the facility to print, accept sales orders for, and ship books.

Mr. Whiteford responded that a book publishing-storage-shipping center would not be allowed on the site.

- He questioned whether worship services would take place at the facility. He recalled that, at the Zoning Commission hearing, Zoning Director Whiteford had stated that a retreat was an accessory use, not a principal use.

Mr. Whiteford responded a 40-seat place of worship was indicated on the site plan as the principal structure on the site. The retreat was an accessory use allowed under the code.

Assistant County Attorney Banks clarified that under the code, a retreat meets the definition of a church or place of worship. It does not need to be an accessory use.

Mr. Whiteford said that was very important point. Staff considered the retreat to be part and parcel of the principal use, not an accessory use. The retreat met the definition of principal use as well, since it was 30 percent of the overall square footage.

MOTION to adopt a resolution approving a rezoning from AR to RS. Motion by Commissioner McCarty, seconded by Commissioner Marcus, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

MOTION to adopt a resolution approving a conditional use to allow a church or place of worship, subject to conditions as amended. Motion by Commissioner McCarty, seconded by Commissioner Marcus, and carried 4-0. Commissioners Aaronson, Masilotti, and Roberts absent.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR - None

ZONING

23

JULY 25, 2002

6. COMMISSIONER COMMENTS

6.A. COMMISSIONER MCCARTY

6.A.41.

WEST PALM BEACH WORKSHOP ON OKEECHOBEE BOULEVARD; WEST PALM BEACH ANNEXATION POLICY. DISCUSSED WITH DIRECTION 7-25-2002

Commissioner McCarty stated that the board members had received a letter from the City of West Palm Beach inviting them to an August 1 city commission workshop to discuss Okeechobee Boulevard. County Administrator Robert Weisman would also be attending, she said.

Commissioner McCarty expressed uneasiness about the city's annexation policy and how it was affecting the county's fire-rescue delivery service. Commissioner Newell noted his concern about the impact of that policy on the Town of Lake Clarke Shores.

Commissioner Newell directed staff to send a letter to the city expressing the board's desire for the addition of the annexation issue to the August 1 agenda.

No backup provided.

7. ADJOURNMENT

The chair declared the meeting adjourned at 12:52 p.m.

ATTESTED:

APPROVED:

Clerk

Chair