

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 October 24, 2002, at 9:38 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 - Arrived later
Commissioner Karen T. Marcus
Commissioner Tony Masilotti - Absent
Assistant County Attorney Robert P. Banks
Deputy Clerk Joan Haverly

1.B.1. INVOCATION- Commissioner Greene

1.B.2. PLEDGE OF ALLEGIANCE

1.C. REMARKS OF THE CHAIR

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and amendments to the Palm Beach County Unified Land Development Code, and the recommendations of the Land Use Advisory Board, Citizens Task Force, Land Development Regulation Commission, and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on October 24, 2002, at 9:30 a.m., in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

1.D. PROOF OF PUBLICATION APPROVED 10-24-2002

MOTION to receive and file proofs of publication 6595146, 6651540, 6656273, and 6656316. Motion by Commissioner Marcus, seconded by Commissioner Greene, 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]; 6192778 and 6231784 [5-23-2002]; 6429272 and 6485101 [8-22-2002]; and 6512124, 6576309, and 6580247 [9-26-2002]. 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: There was no motion to adopt the agenda. The board adopted the motion by affirmation.)

1.F.1. AMENDMENTS TO AGENDA

| <u>Page</u> | <u>Item</u> | <u>Petition/Change</u> |
|-------------|-------------|--|
| 3 | 3.C.4. | Petition DOA97-94(A) - Kabbalah Learning Center: Amend conditions. |
| 5 | 3.C.7. | Petition PDD/DOA2000-080(A) - South Road PUD: Amend conditions. |
| 5 | 3.C.8. | Petition DOA97-71(A) - Hagen & Boynton Office: Amend conditions. |
| 13 | 3.D.31. | Petition Z/COZ2002-021 - Kings Wrecker Service: Move to consent agenda. |
| 14 | 3.D.32. | Petition DOA95-87(B) - Smith Dairy East PUD: Move to consent agenda. |
| 14 | 3.D.33. | Petition Z/CA2002-034 - The Cambridge School: Move to consent agenda and amend conditions. |

2. POSTPONEMENTS AND WITHDRAWALS - See pages 2-3.

3. CONSENT AGENDA - See pages 3-8 and 14.

4. REGULAR AGENDA - See pages 8-13 and 14-20.

5. DIRECTOR COMMENTS- See pages 20-21.

6. COMMISSIONER COMMENTS- None

7. ADJOURNMENT - See page 21.

2. POSTPONEMENTS AND WITHDRAWALS

2.A. POSTPONEMENTS

2.A.1. PETITION 2002-011

PETITION PDD2002-011 (JOHNSON PROPERTY MUPD) OF LAWRENCE GIDEON JOHNSON, BY GEORGE T. GENTILE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT. THE 54.6-ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND THE FLORIDA TURNPIKE. (P.O.P. 6512124 [9-26-2002]) POSTPONED TO JANUARY 9, 2003 -- 10-24-2002

POSTPONEMENTS - CONTINUED

2.A.2.

PETITION 2001-066

PETITION PDD/TDR2001-066(A) (PALOMINO PLACE PUD) OF JAMES SHILLINGLAW, FRANCESKA MALCK, AND RAJA MALEK, BY PRESS TOMPKINS, JR., AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT AND FOR A TRANSFER OF DEVELOPMENT RIGHTS FOR 22 UNITS AND DESIGNATION OF THIS PETITION AS THE RECEIVING AREA. THE 39.3 ACRE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF PALOMINO PLACE AND STATE ROAD 7 (U.S. 441). (P.O.P. 6595146 AND 6656316) POSTPONED TO DECEMBER 9, 2002-- 10-24-2002

No backup provided.

Zoning Director William C. Whiteford said that item 2.A.1. needed no motion for postponement.

PUBLIC COMMENT: None

MOTION to POSTPONE item 2.A.2. to the date indicated. Motion by Commissioner Marcus, seconded by Commissioner Aaronson, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

2.B. WITHDRAWALS - None

3. CONSENT AGENDA

3.A. REQUESTS TO PULL ITEMS FROM CONSENT

Zoning Director Whiteford pulled item 3.D.11.; see page 8.

Commissioner Marcus pulled items 3.E.12., 3.E.13., 3.E.14., 3.E.15., 3.E.16., 3.E.17., 3.E.18., 3.E.19., 3.E.20., and 3.E.21.; see pages 8 & 13.

Agent James Exline pulled item 3.E.22.; see page 13.

Commissioner Newell pulled items 3.E.23. and 3.E.24; see page 13.

PUBLIC COMMENT: None

MOTION to approve consent agenda items 3.B.3., 3.C.4. (as amended), 3.C.5., 3.C.6., 3.C.7. (as amended), 3.C.8. (as amended), 3.C.9. (as amended), 3.C.10., 3.F.25., and 3.G.26. and adopt resolutions affirming the applicable actions. Motion by Commissioner Greene, seconded by Commissioner Marcus, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve consent agenda items 4.D.31., 4.D.32., and 4.D.33. (as amended) and adopt resolutions affirming the applicable actions. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

(CLERK'S NOTE: The preceding two motions were made following consideration of items pulled from the consent agenda; see page 14.)

CONSENT AGENDA - CONTINUED

3.B. REMAND

3.B.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]) REMANDED TO JANUARY 15, 2003, DEVELOPMENT REVIEW COMMITTEE -- 10-24-2002

3.C. ZONING PETITIONS

**3.C.4. RESOLUTION R-2002-1951
(AMENDS R-98-562)**

RESOLUTION FOR PETITION DOA97-94(A) (KABBALAH LEARNING CENTER) OF KABBALAH LEARNING CENTER OF BOCA RATON, BY GEORGE GENTILE, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND REDUCE SQUARE FOOTAGE. THE 2.63-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.3 MILE WEST OF THE FLORIDA TURNPIKE ON THE NORTH SIDE OF PALMETTO PARK ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED WITH CONDITIONS AS AMENDED 10-24-2002

The conditions were amended on the amendments to the agenda sheet.

3.C.5.

**a. RESOLUTION R-2002-1952
(AMENDS R-81-881 AND R-84-1153)**

RESOLUTION FOR PETITION DOA81-102(B) (FIRST BAPTIST CHURCH OF HYPOLUXO) OF PALM BEACH COUNTY FACILITIES DEVELOPMENT AND OPERATIONS DEPARTMENT, BY MELANIE BORKOWSKI, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO DELETE LAND AREA. THE 2.3 ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF OVERLOOK ROAD AND MENTONE ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED WITH CONDITIONS 10-24-2002

b. RESOLUTION R-2002-1953

RESOLUTION FOR PETITION Z81-102(B) (FIRST BAPTIST CHURCH OF HYPOLUXO) OF PALM BEACH COUNTY FACILITIES DEVELOPMENT AND OPERATIONS DEPARTMENT, BY MELANIE BORKOWSKI, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) TO INSTITUTIONAL PUBLIC FACILITY. THE 2.3 ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF OVERLOOK ROAD AND MENTONE ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED 10-24-2002

CONSENT AGENDA - CONTINUED

3.C.6.

RESOLUTION R-2002-1954

RESOLUTION FOR PETITION Z2000-039 (SAN CASTLE COMMUNITY PARK) OF PALM BEACH COUNTY FACILITIES DEVELOPMENT AND OPERATIONS DEPARTMENT, BY MELANIE BORKOWSKI, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM MULTIFAMILY RESIDENTIAL (MEDIUM DENSITY) TO PUBLIC OWNERSHIP. THE 1.0-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF WASHINGTON ROAD AND MENTONE ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED WITH VOLUNTARY COMMITMENTS 10-24-2002

3.C.7.

a.

RESOLUTION R-2002-1955

RESOLUTION FOR PETITION PDD2000-080(A) (SOUTH ROAD PUD) OF SHELBY HOMES INC., BY ROBERT A. BENTZ, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT. THE 63.99-ACRE PROPERTY IS LOCATED APPROXIMATELY 300 FEET WEST OF STATE ROAD 7 (U.S. 441) ON THE SOUTH SIDE OF SOUTH ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED, SUBJECT TO CONDITIONS CONTAINED IN RESOLUTION R-2002-1956 -- 10-24-2002

b.

**RESOLUTION R-2002-1956
(AMENDS R-2000-0433)**

RESOLUTION FOR PETITION DOA2000-080(A) (SOUTH ROAD PUD) OF SHELBY HOMES INC., BY ROBERT A. BENTZ, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO ADD LAND AREA, ADD UNITS, AND RECONFIGURE THE MASTER PLAN. THE 63.99-ACRE PROPERTY IS LOCATED APPROXIMATELY 300 FEET WEST OF STATE ROAD 7 (U.S. 441) ON THE SOUTH SIDE OF SOUTH ROAD. (P.O.P. 6595146) ADOPTED WITH CONDITIONS AS AMENDED 10-24-2002

The conditions were amended on the amendments to the agenda sheet.

3.C.8.

**RESOLUTION R-2002-1957
(AMENDS R-98-125)**

RESOLUTION FOR PETITION DOA97-71(A) (HAGEN & BOYNTON OFFICE) OF AN-SCA OFFICE BUILDING LTD, BY ROBERT A. BENTZ, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN. THE 4.24-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.50 MILE WEST OF HAGEN RANCH ROAD ON THE NORTH SIDE OF BOYNTON BEACH BOULEVARD. (P.O.P. 6595146 AND 6656316) ADOPTED WITH CONDITIONS AS AMENDED 10-24-2002

The conditions were amended on the amendments to the agenda sheet.

CONSENT AGENDA - CONTINUED

3.C.9.

**RESOLUTION R-2002-1958
(AMENDS R-2001-0823 AND R-2001-1672)**

RESOLUTION FOR PETITION EAC2000-115(B) (HYPOLUXO HAVERHILL PUD [PLANNED UNIT DEVELOPMENT]) OF WESTBROOK COMPANIES INC., BY MARK BIDWELL, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION TO MODIFY CONDITIONS OF APPROVAL. THE 67.16-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF HYPOLUXO ROAD AND HAVERHILL ROAD. (P.O.P. 6656273) ADOPTED WITH CONDITIONS AS AMENDED 10/24-2002

Engineering Assistant Jim Choban read the following addition to the end of conditions E.14.A. and E.14.B.: "in the physical commencement of construction work." The petitioner agreed to the revision, he said.

3.E.10.

**RESOLUTION R-2002-1959
(AMENDS R-93-1371)**

RESOLUTION FOR PETITION EAC86-150(B) (CHECKERS FAST FOOD RESTAURANT) OF CUBBY CO LLC, BY HELEN LAVALLEY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION TO REVOKE A FAST FOOD RESTAURANT, ADD SQUARE FOOTAGE, AND RECONFIGURE THE SITE PLAN. THE 24.09ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF GLADES ROAD AND BOCA RIO ROAD. (P.O.P. 6651540) ADOPTED WITH CONDITIONS 10-24-2002

3.D. PREVIOUSLY POSTPONED STATUS REPORTS

3.D.11. See pages 3 and 8.

3.E. STATUS REPORTS

3.E.12. See pages 3, 8, 9, 11, 12, and 14.

3.E.13. See pages 3, 8, 9, 11, 12, and 14.

3.E.14. See pages 3, 8, 9, 11, 12, and 14.

3.E.15. See pages 3, 8, 9, 11, 12, and 14.

3.E.16. See pages 3, 8, 9, 11, 12, and 14.

3.E.17. See pages 3, 8, 9, 11, 12, and 14.

3.E.18. See pages 3, 8, 9, 11, 12, and 14.

3.E.19. See pages 3, 8, 11, 12, and 14.

3.E.20. See pages 3, 8, 11, and 12.

3.E.21. See pages 3, 8, 11, 12, and 14.

3.E.22. See pages 3, 11, and 13.

3.E.23. See pages 3, 11, and 13.

CONSENT AGENDA - CONTINUED

3.E.24. See pages 3, 11, and 13.

3.F. RECEIVE AND FILE ZONING COMMISSION RESOLUTION

3.F.25. PETITION 77-77

RECEIVE AND FILE ZONING COMMISSION RESOLUTION ZR-2002-014 FOR PETITION CB77-77(B) (ATLANTIS OUTPATIENT CENTER), WHICH CORRECTS CONDITION F.1.A. OF ZONING COMMISSION RESOLUTION ZR-2002-006. APPROVED 10-24-2002

3.G. CORRECTIVE RESOLUTION

**3.G.26. RESOLUTION R-2002-1960
(AMENDS R-2000-1562)**

RESOLUTION FOR PETITION CA2000-018 (FIRST ROMANIAN BAPTIST CHURCH) TO CORRECT THE NOW, THEREFORE CLAUSE OF RESOLUTION R-2000-1562. ADOPTED 10-24-2002

4.D.31. RESOLUTION R-2002-1961

RESOLUTION FOR PETITION Z/COZ2002021 (KINGS WRECKER SERVICE) OF JERRY LOPEZ FOR AN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL RESIDENTIAL TO LIGHT INDUSTRIAL WITH A CONDITIONAL OVERLAY ZONE. THE 2.95-ACRE PROPERTY IS LOCATED APPROXIMATELY 1,000 FEET WEST OF TALL PINES ROAD ON THE SOUTH SIDE OF WALLIS ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED WITH CONDITIONS 10-24-2002

4.D.32.

**a. RESOLUTION R-2002-1962
(AMENDS R-96-648)**

RESOLUTION FOR PETITION DOA95-87(B) (SMITH DAIRY EAST PUD) OF LAWRENCE FISHER, BY KIM GLAS-CASTRO AND BONNIE MISKEL, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO DELETE LAND AREA. THE PROPERTY-391.79 ACRES, EXISTING; 389.38 ACRES, PROPOSED-IS LOCATED APPROXIMATELY 1,000 FEET SOUTH OF LANTANA ROAD ON THE WEST SIDE OF JOG ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED WITH CONDITIONS 10-24-2002

b. PETITION 95-87

PETITION DOA95-87(B) (SMITH DAIRY EAST PUD) OF LAWRENCE FISHER, BY KIM GLAS-CASTRO AND BONNIE MISKEL, AGENT, TO FIND THE REQUEST IS NOT A SUBSTANTIAL DEVIATION. THE PROPERTY-391.79 ACRES, EXISTING; 389.38 ACRES, PROPOSED-IS LOCATED APPROXIMATELY 1,000 FEET SOUTH OF LANTANA ROAD ON THE WEST SIDE OF JOG ROAD. (P.O.P. 6595146 AND 6656316) APPROVED 10-24-2002

CONSENT AGENDA - CONTINUED

4.D.33.

a. RESOLUTION R-2002-1963

RESOLUTION FOR PETITION Z2002-034 (THE CAMBRIDGE SCHOOL) OF LAWRENCE FISHER, BY KIM GLAS-CASTRO AND BONNIE MISKEL, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT FROM RESIDENTIAL PLANNED UNIT DEVELOPMENT TO RESIDENTIAL TRANSITIONAL URBAN. THE 2.41-ACRE PROPERTY IS LOCATED APPROXIMATELY 1,000 FEET SOUTH OF LANTANA ROAD ON THE WEST SIDE OF JOG ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED 10-24-2002

b. RESOLUTION R-2002-1964

RESOLUTION FOR PETITION CA2002-034 (THE CAMBRIDGE SCHOOL) OF LAWRENCE FISHER, BY KIM GLAS-CASTRO AND BONNIE MISKEL, AGENT, FOR A CLASS A CONDITIONAL USE TO ALLOW A GENERAL DAYCARE. THE 2.41-ACRE PROPERTY IS LOCATED APPROXIMATELY 1,000 FEET SOUTH OF LANTANA ROAD ON THE WEST SIDE OF JOG ROAD. (P.O.P. 6595146 AND 6656316) ADOPTED WITH CONDITIONS AS AMENDED 10-24-2002

The conditions were revised on the amendments to the agenda sheet.

(CLERK'S NOTE: See page 14 for continuation of consent agenda.)

4. REGULAR AGENDA

4.A. ITEMS PULLED FROM CONSENT AGENDA

3.D.11. PETITION 96-87

STATUS REPORT SR 1996-087.2 FOR RESOLUTION R-97-964 (PETITION 96-87) (ABBEY PARK COMMERCIAL MUPD) OF NEW PINE GLEN, PETITIONER (PROPERTY OWNER: AURORA INVESTMENTS IV, INC.), TO APPROVE ON FIRST READING A ZONING MAP AMENDMENT TO REZONE FROM THE MULTIPLE USE PLANNED DEVELOPMENT DISTRICT WITH SELF-SERVICE STORAGE FACILITY AND TRUCK RENTAL (REQUESTED USES) TO THE MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY) ZONING DISTRICT. THE 11.39-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF FOREST HILL BOULEVARD AND HAVERHILL ROAD. POSTPONED TO DECEMBER 9, 2002 -- 10-24-2002

Robert A. Bentz, agent, requested a 30-day postponement to enable him to meet with County Engineer George T. Webb in order to resolve a traffic concurrency issue.

MOTION to POSTPONE the item 30 days (December 9, 2002). Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

(CLERK'S NOTE: Items 3.E.12., 3.E.13., 3.E.14., 3.E.15., 3.E.16., 3.E.17., 3.E.18., 3.E.19., 3.E.20., and 3.E.21. were considered together.)

REGULAR AGENDA (ITEMS PULLED FROM CONSENT)- CONTINUED

3.E.12.

PETITION 80-103

STATUS REPORT SR 80-103H.4 FOR RESOLUTION R-96-813 (PETITION 80-103[H]) (SANDALFOOT PLAZA) OF FOUR FLORIDA SHOPPING CENTER, PETITIONER (PROPERTY OWNER: SOUTHPORT MORTGAGE), TO APPROVE A TIME EXTENSION UNTIL JUNE 24, 2003, FOR R96-813. THE 1.32-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.10 MILE SOUTH OF SANDALFOOT BOULEVARD/SOUTHWEST 14TH STREET ON THE EAST SIDE OF STATE ROAD 7 (U.S. 441) AND IS ZONED GENERAL COMMERCIAL WITH A DEVELOPMENT ORDER AMENDMENT TO ADD SQUARE FOOTAGE AND ALLOW A FAST FOOD RESTAURANT (REQUESTED USE) WITHIN A PLANNED COMMERCIAL DEVELOPMENT. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

(CLERK'S NOTE: Resolution number R-2002-1965 is void.)

3.E.13.

PETITION 85-84

STATUS REPORT SR 1985-084C FOR RESOLUTION R-97-958 (PETITION 85-84[C]) (BEREAN BAPTIST CHURCH) OF BEREAN BAPTIST CHURCH OF WEST PALM BEACH, PETITIONER-PROPERTY OWNER, TO ADOPT A RESOLUTION TO AMEND CONDITIONS OF APPROVAL (ARCHITECTURAL; TRAFFIC PERFORMANCE STANDARDS) IN R97-958 AND TO APPROVE A TIME EXTENSION UNTIL AUGUST 25, 2004, TO COMMENCE DEVELOPMENT. THE 18.79-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.4 MILE WEST OF BENOIST FARMS ROAD ON THE SOUTH SIDE OF OKEECHOBEE BOULEVARD AND IS ZONED SINGLE FAMILY RESIDENTIAL. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

Comme

(CLERK'S NOTE: Assistant County Attorney Banks was queried as to whether the motion for item 3.E.13. included the intent of the board to adopt the resolution. On October 28, 2002, Mr. Banks said it was his recommendation that the resolution for item 3.E.13. be adopted at the November zoning meeting on December 9.)

3.E.14.

PETITION 85-113

STATUS REPORT SR 85-113B.7 FOR RESOLUTION R-94-12 (PETITION 85-113[B]) OF WILLIAM CLEVE AND DAPHNE CLEVE, PETITIONER (PROPERTY OWNER: FRANCALBY CORPORATION) TO APPROVE A TIME EXTENSION UNTIL SEPTEMBER 3, 2003, FOR R-94-12. THE 4.04-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF HYPOLUXO ROAD AND HIGH RIDGE ROAD AND IS ZONED COMMUNITY COMMERCIAL WITH A CONDITIONAL OVERLAY ZONE. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

REGULAR AGENDA (ITEMS PULLED FROM CONSENT)- CONTINUED

3.E.15.

PETITION 87-118

STATUS REPORT SR 87-118.9 FOR RESOLUTIONS R-88-1803 AND R-88-1804 (PETITION 87-118) (BELVEDERE P.I.D.) OF THOMAS B. CUSHING AND NANCY S. CUSHING, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL AUGUST 25, 2004, FOR R-88-1803 AND R-88-1804. THE 5.0-ACRE PROPERTY IS LOCATED APPROXIMATELY 330 FEET NORTHEAST OF THE JOHNSON LANE AND FAIRGROUNDS ROAD INTERSECTION AND IS ZONED LIGHT INDUSTRIAL WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL PARK DEVELOPMENT. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

3.E.16.

PETITION 89-106

STATUS REPORT SR 89-106.4 FOR RESOLUTIONS R-90-587 AND R-90-588 (PETITION 89-106) (NORTHWOODS PCD) OF FLOYD A. SCHLOSSBERG, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL AUGUST 21, 2004, FOR R-90-587 AND R-90-588. THE 3.4-ACRE PROPERTY IS LOCATED APPROXIMATELY 110 FEET WEST OF DAVIS ROAD ON THE NORTH SIDE OF FOREST HILL BOULEVARD AND IS ZONED GENERAL COMMERCIAL WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

3.E.17.

PETITION 90-29

STATUS REPORT SR 1990-29.7 FOR RESOLUTIONS R-90-1457 AND R-90-1458 (PETITION 90-29) OF REESE COMPANIES, PETITIONER (PROPERTY OWNER: PLANT FACTORY GARDEN CENTER), TO APPROVE A TIME EXTENSION UNTIL AUGUST 28, 2004, FOR R-90-1457 AND R-90-1458. THE 0.83-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.3 MILE SOUTH OF LAKE WORTH ROAD ON THE EAST SIDE OF MILITARY TRAIL AND IS ZONED LIGHT INDUSTRIAL WITH A CONDITIONAL OVERLAY ZONE. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

3.E.18.

PETITION 94-36

STATUS REPORT SR 1994-36.3 FOR RESOLUTION R-94-1086 (PETITION 94-36) (ZAMMIT PETITION) OF VALERIE T. ZAMMIT, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL AUGUST 25, 2004, FOR R-94-1086. THE 12.5-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.25 MILE EAST OF PIKE ROAD ON THE SOUTH SIDE OF BELVEDERE ROAD AND IS ZONED LIGHT INDUSTRIAL WITH A CONDITIONAL OVERLAY ZONE. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

REGULAR AGENDA (ITEMS PULLED FROM CONSENT)- CONTINUED

3.E.19.

PETITION 95-31

STATUS REPORT SR 1995-031.5 FOR RESOLUTION R95-1115 (PETITION 95-31) (JOHNSON PROPERTY) OF JOHNSON BROTHERS CONSOLIDATED WASTE, INC., PETITIONER (PROPERTY OWNER: KIRMS COMMUNICATIONS, INC.), TO APPROVE A TIME EXTENSION UNTIL AUGUST 24, 2004, FOR R-95-1115. THE 0.74-ACRE PROPERTY IS LOCATED APPROXIMATELY 0.1 MILE NORTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF TALL PINES ROAD AND IS ZONED LIGHT INDUSTRIAL. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

3.E.20.

PETITION 98-15

STATUS REPORT SR 1998-015 FOR RESOLUTION R-98-1296 (PETITION 98-15) (WEST SIDE BAPTIST CHURCH) OF WEST SIDE BAPTIST CHURCH OF WEST PALM BEACH, INC., PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL AUGUST 27, 2004, FOR R98-1296. THE 2.7-ACRE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ORANGE BOULEVARD AND 130TH AVENUE AND IS ZONED AGRICULTURAL RESIDENTIAL. APPROVED 10-24-2002

3.E.21.

PETITION 98-42

STATUS REPORT SR 1998-042 FOR RESOLUTION R-98-1313 (PETITION 98-42) (SOUTHERN RETAIL) OF BRUCE K. GREENFIELD AND CHARLES E. VALLOVICH, PETITIONER (PROPERTY OWNER: NICHOLAS RIZZO TR AND LORI RIZZO TR), TO APPROVE A TIME EXTENSION UNTIL AUGUST 27, 2003, FOR R-98-1313. APPROVED A TIME EXTENSION TO FEBRUARY 15, 2003, WITH THE ITEM TO BE BROUGHT BACK ON THE MARCH 27, 2003, AGENDA AND WITH DIRECTION -- 10-24-2002

Commissioner Marcus pulled consent agenda items 3.E.12. through 3.E.24. Principal Planner Linda Monroe suggested that items 3.E.22., 3.E.23., and 3.E.24. not be pulled because they were on the agenda for failure to comply with conditions, not for commencement of development. Commissioner Marcus responded that she was pulling items 3.E.12. through 3.E.21.

Commissioner Marcus proposed a shorter time extension for the pulled items because some had potential future traffic issues.

MOTION to approve a time extension to March 27, 2003, for item 3.E.12. Motion by Commissioner Marcus and seconded by Commissioner Greene.

Ms. Monroe said that when a time extension expires, it takes staff about six weeks to start and complete the review process. Commissioner Marcus stated that she wanted the pulled items back before the board on March 27. Ms. Monroe said that a time extension to February 15 would enable staff to schedule the items for the March agenda.

AMENDED MOTION to approve a time extension to February 15, 2003, for item 3.E.12. and bring the item back on the March 27, 2003, agenda. The maker and seconder agreed. Upon call for a vote, the motion carried 40. Commissioners McCarty, Masilotti, and Roberts absent.

REGULAR AGENDA (ITEMS PULLED FROM CONSENT)- CONTINUED

MOTION to approve a time extension to February 15, 2003, for item 3.E.13. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve a time extension to February 15, 2003, for item 3.E.14. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve a time extension to February 15, 2003, for item 3.E.15. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve a time extension to February 15, 2003, for item 3.E.16. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve a time extension to February 15, 2003, for item 3.E.17. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve a time extension to February 15, 2003, for item 3.E.18. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve a time extension to February 15, 2003, for item 3.E.19. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

(CLERK'S NOTE: The following direction on items 3.E.12. through 3.E.19. and 3.E.21. was given later in the meeting; see page 14.)

Principal Planner Monroe told Commissioner Newell she would notify the petitioners by letter of the February 15 time extension. Commissioner Newell recommended the letter explain that the reason for the shorter time extension was the board's proposal to include the petitioner in additional traffic requirements.

Commissioner Marcus said that item 3.E.20. did not have, and would not likely ever have, a traffic issue inasmuch as it involved only 29 trips. Therefore, she would move for approval of the staff-recommended time extension.

MOTION to approve a time extension for item 3.E.20. to August 27, 2004. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

MOTION to approve a time extension to February 15, 2003, for item 3.E.21. and bring the item back on the March 27, 2003, agenda. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 4 0. Commissioners McCarty, Masilotti, and Roberts absent.

REGULAR AGENDA (ITEMS PULLED FROM CONSENT)- CONTINUED

3.E.22.

PETITION 76-6

STATUS REPORT CR 1976-006B/E21 FOR RESOLUTION R-2002-1234 (PETITION 76-6[B]) (SEDONA COMMONS) OF 8190 INVESTMENT, PETITIONER-PROPERTY OWNER, TO APPROVE A TIME EXTENSION UNTIL FEBRUARY 1, 2003, TO COMPLY WITH CONDITION E.21. OF R-2002-1234. THE 2.6-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF BENOIST FARMS ROAD AND OKEECHOBEE BOULEVARD AND IS ZONED SPECIALIZED COMMERCIAL WITH A SPECIAL EXCEPTION TO ALLOW A PLANNED PROFESSIONAL OFFICE/BUSINESS PARK. POSTPONED TO JANUARY 9, 2003 -- 10-24-2002

James Exline, agent, requested a two-month postponement in order to resolve a conflict between conditions E.17. and E.21. each of which had a different time schedule requirement. Staff had recommended this postponement, he said.

MOTION to POSTPONE item 3.E.22. for 60 days (January 9, 2003). Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

Commissioner Newell recommended that the board act on items 3.E.23. and 3.E.24. at this time since they were the final two status report items.

3.E.23.

PETITION 89-52

STATUS REPORT CR 89-52B/E8C FOR RESOLUTION R-2002-1472 (PETITION 89-52[D]) (PALM BEACH AGGREGATES) OF PALM BEACH AGGREGATES, PETITIONER (PROPERTY OWNER: GKK CORPORATION), TO APPROVE A TIME EXTENSION UNTIL JANUARY 1, 2003, TO COMPLY WITH CONDITION E.8.C. OF R-2002-1472. THE 4,050.85-ACRE PROPERTY IS LOCATED APPROXIMATELY 3.0 MILES WEST OF SEMINOLE PRATT WHITNEY ROAD ON THE NORTH SIDE OF SOUTHERN BOULEVARD AND IS ZONED AGRICULTURAL PRODUCTION. APPROVED 10-24-2002

MOTION to approve a time extension until January 1, 2003. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

3.E.24.

PETITION 97-102

STATUS REPORT CR 1997-102A FOR RESOLUTION R99-1149 (PETITION 97-102[A]) (4 POINTS MARKET) OF FAWAZ SHIHADDEH AND ASTHMA SHIHADDEH, PETITIONER (PROPERTY OWNER: 4 STAR REAL ESTATE DEVELOPMENT INC.), TO APPROVE A TIME EXTENSION UNTIL JANUARY 1, 2003, TO COMPLY WITH CONDITION E.3.B. OF R-99-1149. THE 2.6-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF BOYNTON BEACH BOULEVARD AND STATE ROAD 7 (U.S. 441) AND IS ZONED AGRICULTURAL RESERVE WITH A CLASS A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH GASOLINE SALES. APPROVED 10-24-2002

MOTION to approve a time extension until January 1, 2003. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

CONSENT AGENDA - CONTINUED

(CLERK’S NOTE: The following is a continuation of the consent agenda, pages 3-8.)

Zoning Director Whiteford said consent agenda items 3.B.3. through 3.C.10. and 3.F.25. and 3.G.26. remained to be approved. A motion to do so was adopted at this time; see page 3.

(CLERK’S NOTE: Direction on items 3.E.12. through 3.E.19. and 3.E.21. was given at this time; see page 12.)

Mr. Whiteford said that on the amendments to the agenda sheet, items 4.D.31., 4.D.32., and 4.D.33. (as amended) were moved to the consent agenda. A motion to approve them was adopted at this time; see page 3.

REGULAR AGENDA - CONTINUED

Mr. Whiteford said that items 4.B.27. and 4.C.28. were related.

4.B. TRANSFER OF DEVELOPMENT RIGHTS SENDING AREA (PLANNING DIVISION)

4.B.27.

a. PETITION 2002-0054

REQUEST OF GENTILE, HOLLOWAY, O’MAHONEY & ASSOCIATES, INC., FOR THE JOHNSON ESTATE, A 23.25-ACRE PROPERTY LOCATED 0.50 MILE EAST OF JOG ROAD BETWEEN SOUTHERN BOULEVARD AND BELVEDERE ROAD, TO DETERMINE THAT THE MINIMUM LAND AREA ELIGIBLE FOR THE TRANSFER OF DEVELOPMENT RIGHTS AS A SENDING AREA FOR THIS REQUEST SHALL BE 23.25 ACRES (PETITION PDD/TDR2001-076 [JOHNSON PROPERTY TDR SENDING AREA]). (P.O.P. 6580247 [9-26-2002]) APPROVED 10-24-2002

b. RESOLUTION R-2002-1966

RESOLUTION FOR PETITION PDD/TDR2001-076 (JOHNSON PROPERTIES PUD) OF G.B. ENTERPRISES OF SOUTHWEST FLORIDA, INC., BY GEORGE GENTILE, AGENT, DESIGNATING THE SUBJECT SITE AS A TRANSFER OF DEVELOPMENT RIGHTS SENDING AREA. THE 23.25ACRE PROPERTY IS LOCATED 0.50 MILE EAST OF JOG ROAD BETWEEN SOUTHERN BOULEVARD AND BELVEDERE ROAD. (P.O.P. 6580247 [9-26-2002]) ADOPTED 10-24-2002

Principal Planner Susan Miller gave the staff presentation.

Greg Young, agent, introduced the persons with him and said he had nothing to add to Ms. Miller’s remarks.

PUBLIC COMMENT: None

MOTION to determine that the minimum land area eligible for the transfer of development rights as a sending area for this request shall be 23.25 acres. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioner McCarty, Masilotti, and Roberts absent.

REGULAR AGENDA - CONTINUED

4.B.27. - CONTINUED

MOTION to adopt a resolution designating the subject site as a transfer of development rights sending area. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

4.C. PREVIOUSLY POSTPONED ZONING PETITIONS

4.C.28.

a. RESOLUTION R-2002-1967

RESOLUTION FOR PETITION PDD2001-076 (JOHNSON PROPERTIES PUD) OF G.B. ENTERPRISE OF SOUTHWEST FLORIDA, INC., BY GEORGE GENTILE, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT. THE 181.79-ACRE PROPERTY IS LOCATED APPROXIMATELY 660 FEET SOUTH OF BELVEDERE ROAD ON THE WEST SIDE OF JOG ROAD. (P.O.P. 6512124 AND 6576309 [9-26-2002]) ADOPTED WITH CONDITIONS AS AMENDED 10-24-2002

b. RESOLUTION R-2002-1968

RESOLUTION FOR PETITION TDR2001-076 (JOHNSON PROPERTIES PUD) OF G.B. ENTERPRISE OF SOUTHWEST FLORIDA, INC., BY GEORGE GENTILE, AGENT, FOR A TRANSFER OF DEVELOPMENT RIGHTS FOR 97 UNITS AND TO DESIGNATE THIS PETITION AS THE RECEIVING AREA. THE 181.79-ACRE PROPERTY IS LOCATED APPROXIMATELY 660 FEET SOUTH OF BELVEDERE ROAD ON THE WEST SIDE OF JOG ROAD. (P.O.P. 6512124 AND 6576309 [9-26-2002]) ADOPTED WITH CONDITIONS AS AMENDED 10-24-2002

Environmental Specialist Robert Kraus added the following sentence to condition A.2.e.: "The costs of the exotic removal shall be limited to no more than \$50,000 for the initial treatment." He explained that this applied to the sending area that would be transferred to Town of Haverhill ownership and would be done before transfer. It was the prevailing opinion in Environmental Resources Management that \$50,000 should cover the costs of removal, he told Commissioner Newell.

Commissioner Aaronson recommended that the added language be amended to \$75,000 in order to protect the Town of Haverhill. Greg Young, agent, agreed to Commissioner Aaronson's revision.

Following discussion on reduction of units, Commissioner Newell clarified for the record that the Town of Haverhill would obtain trips given up in the petitioner's density reduction for its use for any facility it might build on the park property.

Zoning Director Whiteford stated the petitioner would be required to revise the concurrency certificates prior to site plan approval by the Development Review Committee. Commissioner Newell added that the petitioner's traffic study would also need to be revised.

PUBLIC COMMENT: None

REGULAR AGENDA - CONTINUED

4.C.28. - CONTINUED

MOTION to adopt a resolution approving the request for a rezoning from agricultural residential to residential planned unit development, subject to conditions. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

(CLERK'S NOTE: Following the meeting, condition I.1. in the above resolution was amended as follows: "Prior to issuance of the recordation of the first plat..."

MOTION to adopt a resolution approving the request to allow the transfer of development rights for 97 units and to designate this petition as the receiving area, subject to conditions as amended. Motion by Commissioner Aaronson, seconded by Commissioner Greene, and carried 4-0. Commissioners McCarty, Masilotti, and Roberts absent.

Commissioner Newell directed staff to revise the Unified Land Development Code receiving area provision that allows full density of land use for the transfer of development rights. Many sending area properties are not developable for any number of reasons. That needed to be modified in order to reflect a nexus to the opportunity for the development to occur versus not occur, he said.

4.C.29.

a. PETITION 2001-043

PETITION 2001-043 (SQUARE LAKE NORTH) OF GARDEN OAKS CENTER LTD. BY DONALDSON HEARING AND BRIAN CHEQUIS, AGENT, TO DETERMINE THE MULTIPLE USE PLANNED DEVELOPMENT DISTRICT REQUEST FOR THE SUBJECT PROPERTY IS EQUIVALENT TO THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT. THE 3.06-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF SQUARE LAKE DRIVE AND MILITARY TRAIL. (P.O.P. 6192778 AND 6231784 [5-23-2002]) APPROVED 10-24-2002

b. RESOLUTION R -2002-1969

RESOLUTION FOR PETITION PDD2001-043 (SQUARE LAKE NORTH) OF GARDEN OAKS CENTER LTD. BY DONALDSON HEARING AND BRIAN CHEQUIST, AGENT, TO APPROVE AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM RESIDENTIAL ESTATE TO MULTIPLE USE PLANNED DEVELOPMENT DISTRICT. THE 3.06-ACRE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF SQUARE LAKE DRIVE AND MILITARY TRAIL. (P.O.P. 6192778 AND 6231784 [5-23-2002]) ADOPTED WITH CONDITIONS AS AMENDED 10-24-2002

Principal Site Planner Maryann Kwok referenced a handout of revisions to the architectural review, landscaping, lighting, and use limitations conditions.

Donaldson Hearing, agent, agreed to the conditions. His acceptance of condition J.2., which required the property owner to record a restrictive covenant on the site, was with the understanding there may be a future use, not conceived of today but to which all parties can agree, that may require the petitioner to come back before the board in order to modify the covenant.

REGULAR AGENDA - CONTINUED

4.C.29. - CONTINUED

PUBLIC COMMENT:

Joe Martin, selected chair of the Square Lake North residents' committee, requested resident participation in any review of the restrictive covenant as well as the application process.

Paul Gelb requested a time limit as to when the restrictive covenant could be reviewed.

Bill Free requested that the closing of the roads "stays on the front burner."

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

Assistant County Attorney Banks read the following condition modifications:

- Condition J.2.a.:

The covenant shall limit use of the property to the following uses:

- Condition J.2.b.:

The covenant shall limit use of the property to the following conditional uses:

MOTION to determine the multiple use planned development district request for the subject property is equivalent to the neighborhood commercial zoning district. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 5-0. Commissioners Masilotti and Roberts absent.

MOTION to adopt a resolution approving a rezoning from residential estate to multiple use planned development, subject to conditions as amended. Motion by Commissioner Marcus, seconded by Commissioner Greene, and carried 5-0. Commissioners Masilotti and Roberts absent.

4.C.30.

a.

PETITION 97-104

PETITION PDD97-104(C) (THE OAKS AT BOCA RATON, AKA RAINBOW PUD AND AKA FOXHILL ESTATES) OF THE OAKS AT BOCA RATON, BY KIERAN J. KILDAY, AGENT, FOR AN OFFICIAL ZONING MAP AMENDMENT TO A PLANNED DEVELOPMENT DISTRICT FROM AGRICULTURAL RESERVE TO AGRICULTURAL RESERVE PLANNED UNIT DEVELOPMENT. THE 410.29 ACRE PROPERTY IS LOCATED APPROXIMATELY 600 FEET NORTH OF CLINT MOORE ROAD, BOUNDED ON THE EAST BY LYONS ROAD AND ON THE WEST BY STATE ROAD 7 (U.S. 441). (P.O.P. 6429272 AND 6485101 [8 22-2002]) POSTPONED TO DECEMBER 9, 2002 – 10-24-2002

REGULAR AGENDA - CONTINUED

4.C.30. - CONTINUED

b.

PETITION 97-104

PETITION DOA97-104(C) (THE OAKS AT BOCA RATON, AKA RAINBOW PUD [PLANNED UNIT DEVELOPMENT] AND AKA FOXHILL ESTATES) OF THE OAKS AT BOCA RATON, BY KIERAN J. KILDAY, AGENT, FOR A DEVELOPMENT ORDER AMENDMENT TO RECONFIGURE THE SITE PLAN AND ADD LAND AREA AND UNITS. THE PROPERTY--410.29 ACRES, EXISTING; 713.23 ACRES, PROPOSED--IS LOCATED APPROXIMATELY 600 FEET NORTH OF CLINT MOORE ROAD, BOUNDED ON THE EAST BY LYONS ROAD AND ON THE WEST BY STATE ROAD 7 (U.S. 441). (P.O.P. 6429272 AND 6485101 [8-22-2002]) POSTPONED TO DECEMBER 9, 2002 – 10-24-2002

Principal Site Planner Kwok gave the staff presentation.

Kieran J. Kilday, agent, brought out the following in his presentation:

- One of his distributed handouts contained a staff modification of condition L.1. concerning agricultural conservation easements, to which Mr. Kilday agreed. The other handout contained agricultural conservation easement language proposed by John Walker, property owner, and modified by Environmental Resources Management department staff.
- Condition L.6.g. allowed the existing residence on the Walker parcel to remain on the preserve area. Mr. Walker did not wish to retain the home and requested deletion of the condition.
- The Zoning Commission had voted for the deletion of conditions L.12 and L.13. concerning interconnectivity between the planned unit development and the adjacent property to the north. Mr. Kilday presented an argument for deletion at this time, expanding on it later. He later said that if interconnectivity was approved, it should be subject to an agreement between a future homeowners association and some other entity.
- The petitioner asked to be allowed to cash out the 2.3-acre civic site at the northeast corner of the property in order to incorporate it into the project. No need had been identified for the site.

Ross Hering, director of Property and Real Estate Management (PREM), stated that while there was no currently identified need for the civic site, PREM wished to keep it in the event of a future need.

Commissioner Aaronson suggested instead of banking the civic site land, to sell it and use the proceeds for an identified current need. His suggestion applied to other civic site lands as well, he said. Mr. Aaronson commented that he was not in favor of interconnectivity in general, and certainly not on this property, but supported the right of the involved parties to make that choice.

Richard W. ("Chip") Carlson, Jr., agent, argued against interconnectivity.

Commissioners Marcus and McCarty recommended accommodating interconnectivity.

REGULAR AGENDA - CONTINUED

4.C.30. - CONTINUED

PUBLIC COMMENT:

Joanne Davis, representing 1000 Friends of Florida, supported interconnectivity. She objected to designating the Walker parcel a preserve. The definition for open space on a planned unit development in the Agricultural Reserve included agriculture and other forms of growing things with water allowed as an open space only in conjunction with the South Florida Water Management District water resource plan. She said she had suggested to Mr. Kilday that he call the district to see if the Walker parcel could be included in their plan or if there could be an agreement about using the parcel as a water resource in the future, thus meeting the intent of the Agricultural Reserve master plan. She said that a hole in the ground does not meet Agricultural Reserve requirements for open space and asked that the board close the gap. Commissioner Newell responded that staff had been directed to do so.

MOTION to adopt a resolution approving a rezoning from Agricultural Reserve to Agricultural Reserve planned unit development excluding interconnectivity and including cash-out of the civic site. Motion by Commissioner Aaronson.

MOTION DIED FOR LACK OF A SECOND.

MOTION to adopt a resolution approving a rezoning from Agricultural Reserve to Agricultural Reserve planned unit development including interconnectivity and excluding cash-out of the civic site. Motion by Commissioner McCarty.

Commissioner Newell passed the gavel to Commissioner Aaronson.

MOTION SECONDED by Commissioner Newell.

Mr. Hering explained PREM's position concerning the civic site for the benefit of Commissioner Marcus, who was absent during the earlier discussion. He added that, in the absence of county need, a petitioner had the option to retain the site as a private civic site and to later sell it to the county, if both parties were agreeable. Commissioner Marcus recommended that that be done with the petition under consideration.

Discussion continued to focus on interconnectivity.

Commissioner Aaronson said that interconnectivity worked only when both parties were agreeable and argued against forcing the parties to accept interconnectivity.

Commissioner Newell said he was comfortable with requiring the subject site and the adjacent northern property to accept interconnectivity.

Commissioner Marcus suggested that should the property to the north come in for development that the developer be required to build a road between his property and the subject property and that both properties have access to the road.

Commissioner McCarty suggested postponing the item. Commissioner Marcus agreed, saying she needed time to consider the matter.

REGULAR AGENDA - CONTINUED

4.C.30. - CONTINUED

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

**SUBSTITUTE MOTION to POSTPONE the item for 30 days (December 9, 2002).
Motion by Commissioner McCarty, seconded by Commissioner Marcus,
and carried 4-0. Commissioners Greene, Masilotti, and Roberts absent.**

Commissioner Marcus suggested that staff look at the civic site being internal to the property for recreation, placing a time frame on the civic site, providing a clear definition of requiring it to be open to everybody, and the construction of a road between the subject property and the property to the north.

Commissioner Aaronson asked Mr. Hering to provide a list of all county-owned civic sites in the county together with the length of time each has existed.

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

4.D. ZONING PETITIONS

4.D.31. See pages 7 and 14.

4.D.32. See pages 7 and 14.

4.D.33. See pages 8 and 14.

5. DIRECTOR COMMENTS

5.A. ZONING DIRECTOR

5.A.34.

UPDATE ON MANAGED GROWTH TIER SYSTEM (MGTS) CODE REVISION.
DISCUSSED 10-24-2002

Zoning Director Whiteford reported that:

- The lead consultant, Dyett and Bhatia, had prepared revised drafts of the final landscape codes, which staff was reviewing.
- The consultant was preparing and would shortly deliver a draft of the traditional town development, traditional marketplace development, and traditional neighborhood development planned development districts.
- Code revision staff and zoning staff, in coordination with staff from other county departments, were working with the consultant on revisions to the Unified Land Development Code.
- Citizens Task Force subcommittee meetings were being held biweekly.
- The drafts would be put into finalized form for the board to review after the new year.

ZONING DIRECTOR COMMENTS - CONTINUED

5.A.35.

REVISED DATE OF NOVEMBER ZONING MEETING. DISCUSSED 10-24-2002

Zoning Director Whiteford informed the board that the date of the November zoning meeting had been changed from December 5 to December 9 because of the lack of a quorum on the previous date. A memorandum had been sent to each commissioner's office, he said.

No backup provided.

6. COMMISSIONER COMMENTS - None

7. ADJOURNMENT

The chair declared the meeting adjourned at 11:42 a.m.

ATTESTED:

APPROVED:

Clerk

Chair