



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AGENDA INDEX**

MARCH 29, 1999

**MONDAY
9:30 AM**

**COMMISSION
CHAMBERS**

1. CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Swearing In
- F. Motion to Adopt Agenda
- G. Disclosure

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-4)

3. CONSENT AGENDA (Pages 5-9)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 10-12)

5. DIRECTOR COMMENTS (Page 12)

6. COMMISSIONER COMMENTS (Page 12)

7. ADJOURNMENT (Page 12)

AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 29, 1999

1. CALL TO ORDER.

- A. Roll Call - **9:30 AM**.
- B. Opening Prayer and Pledge of Allegiance.
- 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 the recommendations of the Land Use Advisory Board 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 March 29, 1999, at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication.
- E. Swearing In.
- F. Motion to Adopt Agenda.
- G. Disclosure.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD98-089** Official Zoning Map Amendment to a Planned Development District (PDD) petition of CHS Properties/ Henry W. Stevens, Jr. Trustee/ William Hubbard, Trustee/ Ranch House Properties/ Cook, Hubbard & Stevens Properties, by Kilday & Assoc., Agent. Request: Rezone from Community Commercial (CC), Residential High Density (RH) and Residential Single Family (RS) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales and professional offices (requested uses). General Location: East side of Congress Ave. on the north and south sides of Ranch House Rd. (**CHS PROPERTIES MUPD**).

Page 1

Size: 39.5 Acres ±

BCC District: 2

MOTION: To postpone until April 22, 1999.

Reason for Postponement: Not heard at Zoning Commission.

2. **DOA 78-154(A)** Development Order Amendment (DOA) petition of Northlake Corp. Park Partnership, by Alan M. Strassler, Agent. Request: Add building square footage. General Location: SW corner Military Trail and Northlake Blvd. (**NORTHLAKE CORP. PARK**).

Page 2

Size: 7.3 Acres ± (Total area) BCC District: 1
1.19 Acres ± (Affected area)

MOTION: To postpone until April 22, 1999.

Reason for Postponement: Not heard at Zoning Commission.

3. **DOA 77-141(A)** Development Order Amendment (DOA) petition of Chevron Products Company, by David J. Felton, Agent. Request: Convenience store with gas sales (requested use). General Location: NW corner of Camino Real and Powerline Rd. (**CHEVRON #47205**).

Page 3

Size: 1.03 Acres ± BCC District: 5

MOTION: To postpone until April 22, 1999.

Reason for Postponement: Requested by petitioner.

4. **W98-007 (A)** Resolution approving a Waiver (W) petition of Omnipoint Communications, by Cliff Hertz, Agent. Request: Waive setback from residential zoning district along west property line (±51.44 feet). General Location: Approx. 1 mile north of Clint Moore Rd. along the west side of Florida Turnpike (**OMNIPOINT CLINT MOORE TOWER**).

Page N/A

Size: 400 s.f. ± (Affected area) BCC District: 5

MOTION: To postpone until April 8, 1999.

5. **W98-008 (A)** Resolution approving a Waiver (W) petition of Omnipoint Communications, by Cliff Hertz, Agent. Request: Waive setback from residential zoning district along west property line (±46.44 feet). General Location: Approx. 0.45 mile south of the Lantana Toll Plaza along the west side of the Florida Turnpike (**OMNIPOINT LANTANA TOWER**).

Page N/A

Size: 400 s.f. ± (Affected area) BCC District: 3

MOTION: To postpone until April 8, 1999.

MOTION: To approve all postponements to dates indicated.

B. WITHDRAWALS

6. **Z/CA
98-065** Official Zoning Map Amendment (Z) and a Class A Conditional Use (CA) petition of Toby Morton, by Robert Bentz, Agent. Request: Rezone from Agricultural Residential (AR) to Residential Single Family (RS) Zoning District. Request: Zero lot line development (40 ZLL). General Location: Approx. 1,500 feet south of Linton Blvd. on the east side of Jog Rd. (**PARC CHANDON**).

Page 4

Size: 14.61 Acres ± BCC District: 5

MOTION: None required.

Reason for Withdrawal: Combined with Item 7 to create Item 11.

7. **DOA
96-107(B)** Development Order Amendment (DOA) petition of Cristal - Mizners Preserve Ltd. Partnership & LeChateau - Mizners Preserve Ltd. Partnership, by Robert Bentz, Agent. Request: Delete Condition E.2 (Tropical Way construction) of Resolution R-97-2084 and add internal access to adjacent parcel (Parc Chandon Z/CA98-065). General Location: Approx. 1,300 feet south of Linton Blvd. on the east side of Jog Rd. (**WILLIAMS TRACE PUD (a.k.a. MIZNER PRESERVE)**).

Page 4

Size: 67.12 Acres ± BCC District: 5

MOTION: None required.

Reason for Withdrawal: Combined with Item 6 to create Item 11.

8. **DOA
84-058(E)** Development Order Amendment (DOA) petition of U-Haul Co. of Florida, % Celeste Orr, by William R. Boose, III, Esq., Agent. Request: Delete Condition D.2 (truck location) in Resolution R-96-1192.1. General Location: Approx. 0.6 mile east of Jog Rd. on the south side of West Atlantic Ave. (**PEACHTREE PLAZA**).

Page 5

Size: 7.61 Acres ± BCC District: 5

MOTION: None required.

Reason for Withdrawal: Requested by petitioner.

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. WARRANT LIST - Administrative matter not subject to public comment.

Warrant List

Page N/A

MOTION: To approve the warrant list.

C. ZONING PETITIONS - CONSENT

- 9. **Z98-091** Official Zoning Map Amendment (Z) petition of Bellsouth, by Rod Feiner, Agent. Request: Rezone from Residential Medium Density (RM) and Neighborhood Commercial (CN) to General Commercial (CG). General Location: Approx. 1,350 feet south of Forest Hill Blvd. on the west side of Military Trail (**BELLSOUTH REZONING**).

Pages 6-18

Size: 6.57 Acres ±

BCC District: 2

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: Approved, as advertised, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Medium Density (RM) and Neighborhood Commercial (CN) to General Commercial (CG).

- 10. **DOA 80-153(G)** Development Order Amendment (DOA) petition of The Jewish Federation of Palm Beach, by Kilday & Assoc., Agent. Request: Reconfigure site plan, add building square footage, add access (exit only) on Jog Rd., add children and modify/delete conditions in Resolution R-98-726. General Location: NE corner of Jog Rd. and Gateway Blvd. (**ABERDEEN PUD -CIVIC TRACT**).

Pages 19-45

Size: 16.72 Acres ± (Total area)

BCC District: 3

10.00 Acres ± (Affected area)

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as advertised, (6-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to reconfigure the site plan, add building square footage, add an exit only onto Jog Road, add children and modify/delete conditions in Resolution R-98-726.

11. **PDD/DOA 96-107(C)** Official Zoning Map Amendment to Planned Development District (PDD) and Development Order Amendment (DOA) petition of Cristal - Mizners Preserve Ltd. Partnership & LeChateau - Mizners Preserve Ltd. Partnership and N. Marbury Efimenco Tr., by Robert Bentz, Agent. Request: Rezone from Agricultural Residential (AR) to Residential Planned Unit Development (PUD). Request: Add land area, add units and delete Condition E.2 (Tropical Way construction) of Resolution R-97-2084. General Location: Approx. 1,300 feet south of Linton Blvd. on the east side of Jog Rd. (**WILLIAMS TRACE PUD (a.k.a MIZNER PRESERVE)**).

Pages 46-64

Size: 81.73 Acres ± (+14.61)

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add land area, add units and delete Condition E.2 in Resolution R-97-2084.

12. **PDD 98-073(1)** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Herbert Kahlert & Karl Kahlert Trustees, by Kilday & Assoc., Agent. Request: Rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD). General Location: SE corner of Florida Turnpike and Boynton Beach Blvd. (**SHOPPES OF NEW ALBANY**).

Pages 65-88

Size: 6.28 Acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD).

13. **PDD98-070** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Larry and Yvonne Campbell, by Kilday & Associates and William Boose, Agents. Request: Rezone from Light Industrial (IL) to Residential Planned Unit Development (PUD) with a Native Ecosystem Overlay (NE-O). General Location: NE corner of Northlake Blvd. and Memorial Park (**CARLETON OAKS PUD**).

Pages 89-108

Size: 142.02 Acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Light Industrial (IL) to Residential Planned Unit Development (PUD) with a Native Ecosystem Overlay (NE-O).

D. STATUS REPORTS - CONSENT

14. **SR 80-236A.9** Status Report for Resolution R-87-123 (Petition 80-236A). Property owner: Toronto Investments Ltd., Inc. Location: Southwest corner of the intersection of Cambridge Street and Military Trail. Current zoning: CG-General Commercial with a Special Exception to allow a commercial new and used automobile sales and service facility and lot.

Pages 109-112

Size: 0.6 of an acre BCC District:2

Original Petitioner: Toronto Investments Ltd., Inc.

MOTION: Approve a time extension until January 27, 2001, for Resolution R-87-123

15. **SR 81-205A.3** Status Report for Resolutions R-91-1176 and R-91-1177 (Petition 81-205A). Property owner: Menorah Partnership. Location: West side of Memorial Park Road, approximately 0.08 of a mile north of Northlake Boulevard. Current zoning: RE-Residential Estate with a Special Exception to amend the site plan for a cemetery and mausoleum to increase building square footage and to delete land area.

Pages 113-116

Size: 30.0 Acres BCC District:1

Original Petitioner: Menorah Partnership

MOTION: Approve a time extension until February 11, 2001, for Resolutions R-91-1176 and R-91-1177.

16. **SR 87-152C** Status Report for Resolution R-94-778 (Petition 87-152C). Property owner: Public Storage Inc. Location: 7480 South Military Trail, south of Hypoluxo Road. Current zoning: CG-General Commercial with a Special Exception for a Planned Commercial Development including self storage.

Pages 117-119

Size: 8.6 Acres BCC District:3

Original Petitioner ("C" Petition): Southern Self Storage

MOTION: Approve a time extension until November 29, 2000, for Resolution R-94-778 .

17. **SR 95-20** Status Report for Resolution R-96-128 (Petition 95-20). Property owner: Bruce C. Pearson. Location: East side of Hagen Ranch Road, approximately 1.5 mile south of Boynton Beach Blvd. Current zoning: RTS-Residential Transitional Suburban.

Pages 120-123

Size: One acre of an 8.9 parent tract BCC District:5

Original Petitioner: Bruce C. Pearson

MOTION: Exempt Resolution R-96-128 from further Unified Land Development Code Section 5.8 review.

- 18. **SR 95-21** Status Report for Resolutions R-96-129 and R-96-130 (Petition 95-21). Property owner: Bruce C. Pearson. Location: East side of Hagen Ranch Road, approximately 1.5 mile south of Boynton Beach Blvd. Current zoning: RTS-Residential Transitional Suburban with Class A Conditional use for a retail/wholesale nursery.

Pages 124-127

Size: 7.3 Acres BCC District:5

Original Petitioner: Levitt Homes

MOTION: Direct Code Enforcement to cite property owner for failure to obtain building permits for all structures on the property, and approve a two-year time extension, from January 25, 1999, to January 25, 2001, to commence development for the balance of the project.

- 19. **CR 97-63/E3** Status Report for Resolution R-98-569 (Petition 97-63). Property owner: Rosa A. Marron et al. Location: Approximately 500 feet east of "F" Road, on the north side of Southern Boulevard. Current zoning: AR-Agricultural Residential with a Conditional Use A to allow a Nursery, retail.

Pages 128-131

Size: 5.55 Acres BCC District:6

Original Petitioner: Julie Wiesner

MOTION : Concur with the ongoing action of the Code Enforcement Division to cite the property owner for failure to comply with time certain condition numbers E.3.A. and E.3.C., and for utilizing the conditional use prior to complying with all non time certain conditions of approval contained in Resolution R-98-569.

E. CORRECTIVE RESOLUTIONS

- 20. **PDD 97-101** Corrective Resolution: To correct Conditions G.1.c and G.1.d of Exhibit C of Resolution R-98-408. (**OXLEY NORTHERN PUD**)

Pages 132-133

MOTION: To adopt a resolution to correct Conditions G.1.c and G.1.d of Exhibit C of Resolution R-98-408.

- 21. **DOA 84-139(G)** Corrective Resolution: To correct Conditions P.1.c and P.2.a of Exhibit C of Resolution R-99-017. (**RAINBERRY PUD - JCC**)

Page 134

MOTION: To adopt a resolution to correct Conditions P.1.c and P.2.a of Exhibit C of Resolution R-99-017.

- 22. **DOA**

80-200(C) Corrective Resolution: To correct Conditions D.5 and L.2 of Exhibit C of Resolution R-99-110. (**SCHUMACHER AUTOMOTIVE**)

Pages 135-136

MOTION: To adopt a resolution to correct Conditions D.5 and L.2 of Exhibit C of Resolution R-99-110.

23. **DOA**

96-031(A) Corrective Resolution: To correct Conditions O.1, O.2, O.3 and O.4 of Exhibit C of Resolution R-99-100. (**TAHERI PUD**)

Pages 137-138

MOTION: To adopt a resolution to correct Conditions O.1, O.2, O.3 and O.4 of Exhibit C of Resolution R-99-100.

24. **DOA**

97-027(A) Corrective Resolution: To correct Conditions A.3, A.4, B.3, B.5 and I.2 of Exhibit C of Resolution R-99-107. (**ECKERD DRUGS**)

Pages 139-140

MOTION: To adopt a resolution to correct Conditions A.3, A.4, B.3, B.5 and I.2 of Exhibit C of Resolution R-99-107.

25. **EAC**

96-113(A) Corrective Resolution: To correct Condition E.6 of Exhibit C of Resolution R-99-328. (**4531 MUPD**)

Pages 141-142

MOTION: To adopt a resolution to correct Condition E.6 of Exhibit C of Resolution R-99-328.

26. **PDD**

98-073 Corrective Resolution: To correct Conditions E.5 and K.9 of Exhibit C of Resolution R-99-105. (**NEW ALBANY PUD**)

Pages 143-144

MOTION: To adopt a resolution to correct Conditions E.5 and K.9 of Exhibit C of Resolution R-99-105.

F. ABANDONMENT RESOLUTION

27. **79-246ABN** Request: To abandon Resolution R-79-1649 approving a Special Exception for a private helipad.

Page 145

MOTION: To adopt a resolution approving the Abandonment of Resolution R-79-1649.

MOTION: To approve all items on the Consent Agenda (as amended) and adopt resolutions affirming the applicable actions.

- END OF CONSENT AGENDA -

- START OF REGULAR AGENDA -

4. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

28. PDD

98-077

Official Zoning Map Amendment to a Planned Development District (PDD) petition of Herbert and Karl Kahlert, by Kilday & Associates, Agent. Request: Rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales (requested use). General Location: NE corner of Lake Worth Rd. and Lyons Rd. (**VILLAGE CORNER MUPD**).

Pages 146-170

Size: 17.94 Acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approval of a MUPD **without** a convenience store with gas sales - as amended, (5-1).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales.

29. PDD

98-50

Official Zoning Map Amendment to a Planned Development District (PDD) petition of Lion Country Safari, Inc., by Ellen Smith, Agent. Request: Rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with entertainment outdoor (water park); 110 room hotel (requested use) and water and wastewater treatment plant (requested use); and existing zoo. General Location: Approx. 1.7 mile north of SR 80 on both sides of Lion Country Safari Rd. (**LION COUNTRY SAFARI MUPD**).

(Under separate cover)

Size: 660.40 Acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with entertainment outdoor, 110 room hotel and water and wastewater treatment plant and existing zoo.

D. ZONING PETITIONS

- 33. **PDD98-079** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Realticorp, by A. Thomas Connick & Joe Lelonek, Agent. Request: Rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with general repair and maintenance (requested use). General Location: NE corner of Palmetto Park Rd. and SR 7/US 441 (**PALMETTO PARK MUPD**).

Pages 223-245

Size: 25.33 Acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-1).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with general repair and maintenance use.

- 34. **Z/COZ 98-029** Official Zoning Map Amendment (Z) petition of First Baptist of Loxahatchee, by Robert Basehart, Agent. Request: Rezone from Agricultural Residential (AR) to Community Commercial (CC) with a Conditional Overlay Zone (COZ). General Location: NW corner Southern Blvd. and Crestwood Blvd. (**WALGREENS**).

Pages 246-271

Size: 3.1 Acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (4-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Community Commercial (CC) with a Conditional Overlay Zone (COZ).

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR

B. PLANNING DIRECTOR

6. COMMISSION COMMENTS.

7. ADJOURNMENT.