

Board of County Commissioners

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

March 22, 2001

**THURSDAY
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

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-5)

3. CONSENT AGENDA (Pages 6-10)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 11-13)

5. DIRECTOR COMMENTS (Page 13)

6. COMMISSION COMMENTS (Page 13)

7. ADJOURNMENT (Page 13)

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AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, MARCH 22, 2001

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 22, 2001 at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication - Motion to receive and file.
- E. Swearing In - County Attorney.
- F. Motion to Adopt Agenda.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

1. 00-SCA

63 COM 2 Belvedere Commerce Center, LLC., by Robert E. Basehart, Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Industrial (IND) to Commercial High (CH). General Location: SE corner of Belvedere Rd. and Sansbury's Way. **(BELVEDERE COMMERCE CENTER)**

N/A

Size: 1.38 acre ±

BCC District: 6

Staff Recommendation: Approval of the requested future land use change from IND to CH.

LPA Recommendation: Approval of the requested future land use change from IND to CH (11-0 vote).

MOTION: To postpone 30 days until April 26, 2001. (Requested by petitioner. Staff supported.)

2. **PDD
99-028(A)** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales petition of Belvedere Commerce Center, LLC by Robert E. Basehart, Agent. General Location: SE corner of Belvedere Rd. and Sansbury's Way (**BELVEDERE COMMERCE CENTER**).

Page 1

Size: 8.77 acres ±

BCC District: 6

MOTION: To postpone 30 days until April 26, 2001. (Requested by petitioner. Staff supported.)

3. **PDD
00-039** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Unit Development (MUPD) with financial institution and fast food restaurant (requested uses) petition of Halverson Development by Kieran Kilday, Agent. General Location: NE corner of Lyons Rd. and Hypoluxo Rd. (**TOWN COMMONS MUPD (1)**).

N/A

Size: 19.5 acres ±

BCC District: 3

MOTION: To postpone 30 days until April 26, 2001. (Requested by petitioner. Staff supported.)

4. **DOA
81-186(G)** Development Order Amendment(DOA) to allow a self-service storage facility and truck rental (requested uses) petition of Mini Storage Developers, by Mark Bradford, Agent. General Location: NE corner of Jog Rd. and Lantana Rd. (**LEE SQUARE**).

N/A

Size: 38.19 acres ±

BCC District: 3

MOTION: To postpone 30 days until April 26, 2001. (Postponed by Board of County Commissioners.)

5. **CA
00-097** Class A Conditional Use (CA) to a allow a congregate living facility, type III petition of Dioceses of Palm Beach, by Land Design South, Agent. General Location: Approx. 0.5 mile north of Okeechobee Blvd on the east side of Haverhill Rd (**VILLA REGINA**).

N/A

Size: 9.14 acres ±

BCC District: 2

MOTION: To postpone 30 days until April 26, 2001. (Postponed by Zoning Commission to April 5, 2001.)

6. **Z/DOA
78-239(B)** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) and Residential Transitional Suburban (RTS) to Community Commercial (CC) and a Development Order Amendment (DOA) to add/delete land area, reconfigure site plan, add and relocate an access point and to modify/delete conditions of approval petition of St. Hermans Orthodox Church and Ann Throgmorton, by Sara Lockhart, Agent. General Location: Approx. 0.25 mile south of Hypoluxo Rd on the west side of Military Trail (**ST. HERMANS ORTHODOX CHURCH**).

N/A

Size: 0.913 acres ±

BCC District: 3

MOTION: To postpone 30 days until April 26, 2001. (Requested by petitioner. Staff supported.)

7. **PDD
00-091** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) and Community Commercial (CC) to Multiple Use Planned Development (MUPD) with restaurant, fast food (requested use) and a Resolution approving an Abandonment of Petition 91-046 petition of Frank Rainer, Ann Throgmorton, St. Hermans Orthodox Church, by Sara Lockhart, Agent. General Location: Approx. 0.25 mile west of Military Trail on the south side of Hypoluxo Rd. (**HYPOLUXO SQUARE**).

N/A

Size: 13.05 acres ±

BCC District: 3

MOTION: To postpone 30 days until April 26, 2001. (Requested by petitioner. Staff supported.)

8. **SR
84-99F.2** Status Report for Resolution R-95-1467 (Petition 84-99(F)), the petition of Mission Bay Plaza Associates. Property owner: Mission Bay Plaza Assoc. and Centrum Mission Bay Ltd . General Location: NW corner of Glades Rd. and S.R. #7. Current zoning: General Commercial (CG) with a Special Exception to Development Order Amendment to amend condition number 9 (square footage limitation) (**MISSION BAY PLAZA**).

Pages 2-5

Size: 24.28 acres ±

BCC District: 5

MOTION: To postpone status report until April 26, 2001.

9. **SR 90-17A** Status Report for Resolution(s) R-97-1289 (Petition 90-17A), the petition of George T. Kelly IV. Property owner: Lawrence J. Gabriel. General Location: Approx. 500 ft. east of Hagen Ranch Rd. on the south side of Boynton Beach Blvd., Current zoning: Multiple Use Planned Development (MUPD) (**BOYNTON SELF STORAGE**).

Pages 6-8

Size: 2.40 acres ± (affected)
6.32 acres ± (overall)

BCC District: 5

MOTION: To postpone status report until April 26, 2001.

10. **SR 94-56** Status Report for Resolutions R-95-279 and R-95-280 (Petition 94-56), the petition of Ronald S. Woods, Trustee. Property owner: Ronald S. Woods, TR. General Location: Approx. 1.0 mile west of Jupiter Farms Rd. on the north side of Randolph Siding Rd. Current zoning: AR-Agricultural Residential with a Class A Conditional Use allowing removal of excavated material in excess of 10% (**WILD PALMS**).

Pages 9-13

Size: 36.90 acres ±

BCC District: 1

MOTION: To postpone status report until May 24, 2001.

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS - CONSENT

11. **EAC**
98-053(A) Development Order Amendment/Expedited Application Consideration (EAC) to reconfigure master plan petition of Brighton at Summit LLC, by Chip Bryan, Agent. General Location: Approx. 850 feet east of Military Trail on the north side of Summit Blvd. (**BRIGHTON SUMMIT**).

Pages 14-33

Size: 12.31 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment/Expedited Application Consideration (EAC) to reconfigure master plan.

MOTION: To adopt a resolution approving the request for a Development Order Amendment/Expedited Application Consideration (EAC) to modify voluntary density bonus conditions.

12. **DOA**
75-069(G) Development Order Amendment (DOA) to reconfigure site plan and add square footage petition of Wal-Mart Stores Inc., by William Howe, Agent. General Location: SW corner of Seacrest Blvd and Hypoluxo Rd (**SAM'S WHOLESALE CLUB**).

Pages 34-58

Size: 20.06 acres ±

BCC District: 7

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to reconfigure site plan and add square footage.

13. **DOA**
92-017(D) Development Order Amendment (DOA) to modify conditions of approval and to allow a daycare, general (requested use) petition of KAZ Enterprises, by William Burkhart, Agent. General Location: SW corner of Jupiter Farms Rd and Indiantown Rd (**JUPITER FARMS SHOPPING CENTER**).

Pages 59-98

Size: 37.89 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to modify conditions of approval and to allow a daycare, general.

14. **DOA
97-088(A)** Development Order Amendment (DOA) to add land area and modify/delete conditions of approval petition of Salvation Army, by Alan Ciklin, Agent. General Location: Approx. 200 feet south of Vilma Lane on the west side of Military Trail (**SALVATION ARMY**).

Pages 99-119

Size: 0.51 acres ± (affected)
9.08 acres ± (overall)

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add land area and modify/delete conditions of approval.

15. **DOA
75-011(B)** Development Order Amendment (DOA) to add land area, reconfigure site plan, delete crypts and add grave sites petition of Mil-Dell Ltd, by Cari Podesta, Agent. General Location: Approx. 0.5 mile south of Boynton Beach Blvd on the east side of SR 7/US 441 (**ETERNAL LIGHT MEMORIAL GARDENS**).

Pages 120-135

Size: 3.88 acres ± (affected)
48.46 acres ± (overall)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add land area, reconfigure site plan, delete crypts and add grave sites.

16. **PDD
00-080** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Tuttle Land Holding Corp, by Land Design South, Agent. General Location: Approx. 1 mile south of Lake Worth Rd on the west side of SR 7/US 441 (**SOUTH ROAD PUD**).

Pages 136-157

Size: 57.5 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

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

17. **Z00-100** Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Residential Transitional Suburban (RTS) petition of Joseph and Jeanette Dougherty, by Kevin McGinley, Agent. General Location: Approx. 0.75 mile north of Roebuck Rd on the west side of Loxahatchee River Rd (**DOUGHERTY SUBDIVISION**).

Pages 158-169

Size: 2.12 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: Approved as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Residential Transitional Suburban (RTS).

18. **DOA 80-153(I)** Development Order Amendment (DOA) to modify conditions of approval; add children to daycare and private school petition of Jewish Community Center, by Kilday & Associates, Agent. General Location: NE corner of Jog Rd and Gateway Blvd (**JEWISH COMMUNITY CENTER**).

Pages 170-195

Size: 10 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to modify conditions of approval; add children to daycare and private school.

19. **DOA 85-013(B)** Development Order Amendment (DOA) to allow a restaurant, fast food petition of Andrade Assoc. Ltd. Partnership, by Peter Russo, Agent. General Location: SE corner of Hypoluxo Rd and Military Trail (**HYPOLUXO PLAZA**).

Pages 196-215

Size: 1.0 acres ± (affected)
9.44 acres ± (overall)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to allow a restaurant, fast food.

C. STATUS REPORTS - CONSENT

20. **SR 89-106.3** Status Report for Resolutions R-90-587 and R-90-588 (Petition 89-106), the petition of Floyd A. Schlossberg. Property owner: Floyd A. Schlossberg. General Location: Approx. 110 feet west of Davis Rd. on the north side of Forest Hill Blvd. Current zoning: CG-General Commercial with a Special Exception to permit a Planned Commercial Development (**NORTHWOODS PCD**).

Pages 216-220

Size: 3.4 acres ±

BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval (site plan, turn lane) in Resolution R-90-588, and approve a time extension until August 21, 2002, to commence development of the next phase.

21. **SR 80-236A.10** Status Report for Resolution R-87-123 (Petition 80-236A), the petition of Toronto Investments Ltd., Inc. Property owner: Ramon Mirabales. General Location: SW corner of Cambridge St. and Military Tr. Current zoning: General Commercial with a Special Exception to allow a commercial new and used automobile sales and service facility and lot.

221-224

Size: 0.6 acres ±

BCC District: 2

MOTION: To approve a time extension until January 27, 2003 to commence development and February 14, 2002 for Condition Number 4 for Resolution R-91-995.

22. **SR 86-114B** Status Report for Resolution R-97-148 (Petition 86-114B), the petition of Summit Christian School. Property owner: Summit Christian School of Palm Beach County. General Location: SE corner of Haverhill Rd. and Summit Blvd. Current zoning: Multiple Family Residential (Medium Density) with a Development Order Amendment: to 1) add land area ; 2) add square footage (90,760); 3) add access (2) (**SUMMIT CHRISTIAN SCHOOL**).

225-227

Size: 18.16 acres ±

BCC District: 6

MOTION: To approve a time extension until January 30, 2003, for Resolution R-97-148.

23. **SR 94-82** Status Report for Resolutions R-95-119 and R-95-120 (Petition 94-82), the petition of Frieda Ignatoff and Rose Edwards. Property owner: Palm Beach Jewish Community Campus Corporation. General Location: Approx. 0.25 miles north of Community Dr. on the west side of Military Trail. Current zoning: Residential Transitional Urban with a Class A Conditional Use allowing an elementary and secondary school (**ARTHUR I. MEYER JEWISH ACADEMY**).

Pages 228-231

Size: 8.22 acres ±

BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-95-119 and 95-120, and approve a time extension until December 7, 2002, to commence development of the next phase.

24. **SR 97-90** Status Report for Resolution R-98-310 (Petition 97-90), the petition of Boynton Landscape. Property owner: Emerald Lake Apartments and Mary J. Coursol. General Location: Approx. 600 feet west of Congress Ave. on the north side of 6th Ave. South. Current zoning: Planned Unit Development (**CONGRESS LAKES**).

Pages 232-237

Size: 70.3 acres ± (affected)
72.28 acres ± (overall)

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (civic site) in Resolution R-98-310, and approve a time extension until September 26, 2001, to record a plat.

25. **CR79-148B/
E3b**

Status Report for Resolution R-98-1297 (Petition 79-148B), the petition of Irving Dodds. Property owner: Irving L. Dobbs. General Location: Approx. 500 feet west of Jog Rd. on the south side of Okeechobee Blvd. Current zoning: CG-General Commercial with a Special Exception for a Planned Commercial Development (**PALM BEACH ACURA**).

238-241

Size: 10.4 acres ±

BCC District: 2

MOTION: To approve a time extension until February 1, 2002, for condition number E.3.b. Resolution R-98-1297

D. ADMINISTRATIVE INQUIRY - MONITORING

26. **AI-01-02** Use-It-or-Lose-It Option for Section 5.8 of the ULDC

Pages 242-244

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. SMALL SCALE LAND USE AMENDMENT

27. 01-SCA

103 RES 1 County Initiated Small Scale Corrective Land Use Amendment (SCA): Amend land use from High Residential, 8 units per acre (HR-8) to High Residential, 8 units per acre (HR-8) with a condition. General Location: Approx. 3,000 feet west of Military Trail on the south side of Linton Boulevard. **(DELRAY CLF 2)**.

Pages 245-252

Size: 9.55 acre ±

BCC District: 5

Staff Recommendation: Approval of the requested future land use change from HR-8 to HR-8 with a condition.

LPA Recommendation: Approval of the requested future land use change from HR-8 to HR-8 with a condition (9-0).

MOTION: To adopt an ordinance approving the request for a future land use change from HR-8 to HR-8 with a condition.

C. CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

28. 01-SCA

105 RES 1 Schickendanz Capital Group, LLC, by Robert Bentz, Land Design South, Inc. Small Scale Land Use Amendment (SCA): Amend land use from from Commercial Low-Office, with an underlying 5 units per acre (CL-O/5) on 2.75 acres and Institutional, with an underlying 8 units per acre (INST/8) on 7.04 acres to Medium Residential, 5 units per acre (MR-5). General Location: Approx. 2,600 feet north of Yamato Rd on the west side of SR 7/US 441. **(STRATA DEVCO 2)**

Pages 253-274

Size: 9.78 acre ±

BCC District: 5

Staff Recommendation: Approval of the requested future land use change from CL-O/5 and INST/8 to MR-5.

LPA Recommendation: Approval of the requested future land use change from CL-O/5 and INST/8 to MR-5 (12-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from CL-O/5 and INST/8 to MR-5.

- 29. **Z/CA**
99-042(A) Official Zoning Map Amendment (Z) from Multiple Use Planned Development (MUPD) to Residential Single Family (RS) and a Class A Conditional Use (CA) to allow zero lot line homes petition of West Boca LLC, by Land Design South, Agent. General Location: Approx. 2,600 feet north of Yamato Rd on the west side of SR 7/US 441 (**STRATA DEVCO**).

Pages 275-295

Size: 9.78 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Z: MUPD to RS, approved as amended, (5-0). CA: Zero lot line homes, approved as amended, (4-1).

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

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow zero lot line homes.

MOTION: To release the restriction on the recorded deed.

D. ZONING PETITIONS

- 30. **PDD**
00-098 Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Michael Morton, by Kilday & Associates, Agent. General Location: NW corner of Hagen Ranch Rd and Flavor Pict Rd (**SAN MICHELE PUD**).

Page 296-327

Size: 139.8 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

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

31. **PDD
00-099**

Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with financial institution (requested use) petition of Whitworth Farms, by Kilday & Associates, Agent. General Location: NW corner of Hagen Ranch Rd and Flavor Pict Rd (**WHITWORTH FARMS MUPD**).

Pages 328-353

Size: 15.47 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

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

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

32. Permission to Advertise the Special Events at Bed and Breakfast Ordinance

(under separate cover)

33. Permission to Advertise the Nursery and Equestrian Issues Ordinance

(under separate cover)

34. MGTS Code Rewrite Project Update

N/A

35. Discussion of June date for the Board of County Commissioners Hearing

N/A

B. PLANNING DIRECTOR.

36. Sector Plan Update - Frank Duke, Planning Director

Pages 354-355

6. COMMISSION COMMENTS.

7. ADJOURNMENT.