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Karen T. Marcus
Mary McCarty
Burt Aaronson
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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AGENDA INDEX**

JUNE 19, 2002

**WEDNESDAY
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. Adoption of Agenda

2. POSTPONEMENTS AND WITHDRAWALS (Pages 1-2)

3. CONSENT AGENDA (Pages 3-9)

- o Staff
- o Board
- o Public

4. REGULAR AGENDA (Pages 10-11)

5. DIRECTOR COMMENTS (Page 11)

6. COMMISSIONER COMMENTS (Page 11)

7. ADJOURMENT (Page 11)

Web address: www.pbcgov.com/pzb/

**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

WEDNESDAY JUNE 19, 2002

1. CALL TO ORDER

- A. Roll Call – **9:30 A.M.**
- 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 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 June 19, 2002 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. Adoption of Agenda

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **DOA1987-006(D)** Title: Resolution approving a Development Order Amendment, petition of Auto Nation Imports Palm Beach Inc. and Taurus Assoc. Inc., by Kim Juran, Agent. Request: To add land area and display spaces. General Location: SW corner of Okeechobee Blvd. and Congress Ave. (**LEXUS OF PALM BEACH**)

Page 1

Size: 4.04 acres ± (overall)

BCC District: 2

MOTION: To postpone to July 25, 2002. (Petitioner requested 30 days.)

2. **DOA1998-078(C)** Title: Resolution approving a Development Order Amendment petition of Herbert Kahlert and Karl Kahlert, by Kilday & Associates, Inc., Agent. Request: To reconfigure master plan; add square footage and to allow a convenience store with gas sales, a car wash and a restaurant, fast food (requested uses). General Location: NW corner of Jog Rd. and Woolbright Rd. (**SHOPPES OF MADISON**)

Page 2

Size: 23.84 acres ±

BCC District: 5

MOTION: To postpone to July 25, 2002. (Petitioner requested 30 days.)

3. **DOA1976-006(B)** Title: Resolution approving a Development Order Amendment petition of 8190 Investment by James Exline, Agent. Request: To reconfigure site plan and add square footage. General Location: SW corner of Okeechobee Blvd. and Benoist Farms Rd. (**SEDONA COMMONS**).

Pages 3

Size: 2.63 acres ±

BCC District: 2

MOTION: To postpone to July 25, 2002. (Petitioner requested 30 days.)

4. **Z/COZ1976-101(A)** Title: Resolution approving an Official Zoning Map Amendment petition of PBC BCC, Warren H. Newell Chairman by PBC Zoning Division, Agent. Request: Rezoning from the Preservation/Conservation to the Public Ownership Zoning District. General Location: Approx. 1,000 feet northeast of the Port of Palm Beach, and approx. 1,500 feet due west of Lake Worth Inlet, 0.1 mile south of Blue Heron Blvd. (**PEANUT ISLAND REZONING**).

N/A

Size: 84 acres ±

BCC District: 1

MOTION: To postpone to July 25, 2002. (Staff postponement.)

B. WITHDRAWALS

5. **Z/COZ/DOA1983-118(B)** Title: Resolution approving an Official Zoning Map Amendment petition of 1310 Congress Partners LLC by David Carpenter, Agent. Request: Rezoning from Residential Medium Density and Neighborhood Commercial to General Commercial Zoning District with a Conditional Overlay Zone for an accessory parking lot. Title: Resolution approving a Development Order Amendment petition of 1310 Congress Partners LLC by David Carpenter, Agent. Request: To expand an existing Charter School from 200 to 400 students. General Location: Approx. 1,400 feet north of Belvedere Rd. on the east side of Congress Ave. (**THE OFFICE PARK**).

Pages 4-5

Size: 5.22 acres ±

BCC District: 2

MOTION: None. (Request withdrawn by petitioner.)

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS – CONSENT

- 6. **Z/CA2001-064** Title: Resolution approving an Official Zoning Map Amendment petition of Palm Beach Atlantic College, by Paul Adams, Agent. Request: Rezoning from the Agricultural Residential (AR) to the Institutional and Public Facilities (IPF) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Palm Beach Atlantic College, by Paul Adams, Agent. Request: To allow a college or university (recreational facility). General Location: Approx. 0.5 mile east of Jog Rd. on the north side of Southern Blvd. (**PALM BEACH ATLANTIC COLLEGE**)

Pages 6-26

Size: 60.22 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential to the Institutional and Public Facilities Zoning District.

MOTION: To adopt a resolution approving the request to allow a college or university (recreational facility).

- 7. **DOA1984-152(I)** Title: Resolution approving a Development Order Amendment petition of YMCA of South Palm Beach County, Inc. by Young Song, Agent. Request: To add an access point, add square footage and reconfigure site plan. General Location: Northwest corner of Toledo Rd. and Palmetto Circle South (**YMCA OF BOCA RATON**).

Pages 27-47

Size: 15 acres ±

BCC District: 4

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment to add an access point, add square footage and reconfigure site plan.

8. **PDD/TDR1986-087(B)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Centex Homes by Robert Bentz, Agent. Request: Rezoning from the Residential Transitional Urban (RTU) to the Residential Planned Unit Development District. Title: Resolution approving a Transfer of Development Rights petition of Centex Homes by Robert Bentz, Agent. Request: To allow the Transfer of Development Rights for 11 units and to designate this petition as the receiving area. General Location: Approx. 3,650 feet east of Jog Rd. on the south side of Linton Blvd. (**SIERRA PALMS (aka BOYSTOWN)**)

Pages 48-71

Size: 9.56 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Residential Transitional Urban to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving the request to allow the Transfer of Development Rights for 11 units and to designate this petition as the receiving area.

9. **Z/DOA1989-066(A)** Title: Resolution approving an Official Zoning Map Amendment petition of Professional Learning Center of Jupiter, by Mark Astor, Agent. Request: Rezoning from the Residential Transitional Suburban (RTS) to the Residential Transitional Urban (RTU) Zoning District. Title: Resolution approving a Development Order Amendment petition of Professional Learning Center of Jupiter, by Mark Astor, Agent. Request: To reconfigure site plan and modify condition of approval (limitation of number of children). General Location: Approx. 0.2 mile east of Limestone Creek Rd. on the north side of Church St. (**PROFESSIONAL LEARNING CENTER**)

Pages 72-89

Size: 1.5 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 rezoning from the Residential Transitional Suburban to the Residential Transitional Urban Zoning District.

MOTION: To adopt a resolution approving the request for a Development Order Amendment to reconfigure site plan and modify condition of approval.

10. **DOA1998-089(B)** Title: Resolution approving a Development Order Amendment petition of CHS Properties, by Kilday & Associates, Agent. Request: To reconfigure master plan; re-designate land uses; and to allow a restaurant, fast food. General Location: NE corner of Congress Ave. and Ranch House Rd. **(CHS PROPERTIES)**

Pages 90-122

Size: 27.56 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment to reconfigure master plan; re-designate land uses; and to allow a fast food restaurant.

11. **DOA1976-139(E)** Title: Resolution approving a Development Order Amendment petition of Villages of Windsor by Robert Bentz, Agent. Request: To delete land area. General Location: Approx. 1 mile north of Hypoluxo Rd. on the east side of Lyons Rd. **(SHERBROOKE ESTATES PUD)**.

Pages 123-141

Size: 535.19 acres ± (existing)
-5.19 acres ± (proposed)

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 to delete land area.

12. **PDD/DOA1996-081(B)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Villages of Windsor, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Development Order Amendment petition of Villages of Windsor, by Land Design South, Agent. Request: To add land area, add units and reconfigure master plan. General Location: NE/SE & SW corners of Hypoluxo Rd. and Lyons Rd. (**VILLAGES OF WINDSOR PUD**)

Pages 142-183

Size: 587.3 acres ± (existing)
+9.85 acres ± (proposed)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving the request for a Development Order Amendment to add land area, add units and reconfigure master plan.

C. PREVIOUSLY POSTPONED STATUS REPORTS

13. **SR 1997-113** Status Report for Resolution R-98-305 (Petition 1997-113), the petition of Howard Holloway. Property owner: Howard R. Holloway. General Location: northeast corner of Joseph Rd. and Jog Rd. Current zoning: Commercial Low Office (**SUNBEAM SUPPLY**).

Pages 184-187

Size: 0.41 acres ±

BCC District: 6

MOTION: To approve a time extension until February 26, 2004, for Resolution R-98-305.

D. STATUS REPORTS - CONSENT

14. **SR 86-13.7** Status Report for Resolutions R-86-573-26 and R-86-573-27 (Petition 86-13), the petition of Forrest C. Mobley, TR. Property owner: Forrest C. Mobley, TR. General Location: Approx. 200 feet west of Military Tr. on the south side of Gun Club Rd. Current zoning: Specialized Commercial with a Special Exception to allow a Planned Office Business Park (**BELFER OFFICE PARK**).

Pages 188-191

Size: 6.9 acres ±

BCC District: 2

MOTION: To approve a time extension until April 22, 2003, for Resolutions R-86-573-26 and R-86-573-27.

15. **SR 93-27.5** Status Report for Resolutions R-94-499 and R-94-500 (Petition 1993-027), the petition of Jeffrey M. Rosenberg, Jr. Property owner: PEBB Enterprises University Bank Building Ltd. General Location: N.E. corner of Dillman Rd. and State Road 7. Current zoning: Residential Transitional with a Class A Conditional Use allowing a cemetery (**MT. NEBO CEMETERY**).

Pages 192-195

Size: 37.3 ± acres

BCC District: 6

MOTION: To approve a time extension until April 28, 2004, for Resolutions R-94-499 and R-94-500, and to comply with condition number E.1. of Resolution R-94-500.

16. **SR 1997-017** Status Report for Resolutions R-97-769 and R-97-770 (Petition 1997-17), the petition of Mecca Farms, Inc. Property owner: Mecca Farms Inc. General Location: Approx. 0.7 mile north of Northlake Blvd. on the east side of Seminole Pratt Whitney Rd. Current zoning: Special Agriculture with Class A Conditional Use for Type III Excavation (**GROVE EXCAVATION**).

Pages 196-199

Size: 225 acres ±

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval (excavation reports) in Resolution R-97-770, and approve a time extension until March 31, 2003, to commence development.

17. **SR 1998-058** Status Report for Resolution R-1999-0706 (Petition 1998-058), the petition of Hovsons, Inc. Property owner: Melrose Land Holding Enterprises, Inc. General Location: Approx. 1 mile south of Hypoluxo Rd. on the east side of Florida Turnpike and the LWDD L-20 Canal. Current zoning: Residential Transitional Suburban (**MELROSE EAST REZONING**).

Pages 200-202

Size: 12.73 acres ±

BCC District: 3

MOTION: To approve a time extension until April 22, 2004, for Resolution R-1999-0706.

18. **SR 1998-063** Status Report for Resolutions R-1999-0697 and R-1999-0669 (Petition 1998-063), the petition of St. Nicholas Melkite Mission. Property owner: Diocese of Newton for Melkites in United States of America, Inc. General Location: Approx. 1300 feet east of El Clair Ranch Rd. on the north side of Lake Ida Rd. Current zoning: Multiple Family Residential (Medium density) with a Conditional Use A to allow a church or place of worship, general daycare, and Type 3 congregate living facility (**ST. NICHOLAS MELKITE MISSION**).

Pages 203-205

Size: 4.55 acres ±

BCC District: 5

MOTION: To approve a time extension until April 22, 2004, for Resolutions R-1999-0697 and R-1999-0669.

- 19. **CR 79-148B/E3** Status Report for Resolution R-98-1297 (Petition 1979-148B), the petition of Irving Dobbs. Property owner: Craig Collection Inc. General Location: Approx. 500 feet west of Jog Rd. on the south side of Okeechobee Blvd. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development (**PALM BEACH ACURA**).

Pages 206-209

Size: 10.4 acres ±

BCC District: 2

MOTION: To approve a time extension until May 1, 2003, to comply with condition number E.3. of Resolution R-98-1297.

E. ADMINISTRATIVE INQUIRY – PREM

- 20. **AI-2002-02** Boywic PUD – Petition #2000-071 – Civic Site Cash Out

Pages 210-213

F. TDR CONTRACT, ESCROW AGREEMENT AND DEED

- 21. **PDD/TDR 2001-059** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and M/I Schottenstein Homes, Inc., an Ohio Corporation, for the sale and purchase of 25 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$10,399.00 per unit as approved by the Palm Beach County Board of County Commissioners on April 25, 2002 by Resolution No. R-2002-0624. Request: Approve an escrow agreement between Palm Beach County, M/I Schottenstein Homes, Inc., an Ohio Corporation and Broad and Cassel, (escrow agent) for the sale and purchase of 25 TDR units from the Palm Beach County TDR Bank at a purchase price of \$10,399.00 per unit, as approved by the Palm Beach County Board of County Commissioners on April 25, 2002. (**BETHESDA PUD**)

Pages 214-223

MOTION: To approve a contract for the sale and purchase of 25 development rights at a purchase price of \$10,399.00 per unit for a total price of \$259,975.00.

MOTION: To approve an escrow agreement for 25 development rights at a purchase price of \$10,399.00 per unit for a total price of \$259,975.00.

- 22. **PDD/TDR
2001-059** Execute a deed conveying 25 Development Rights units to M/I Schottenstein Homes, Inc., an Ohio Corporation as authorized in Resolution No. R-2002-0624 which approved the purchase of 25 Development Rights from the County's TDR Bank at a cost of \$10,399.00 per unit and the designation of the Bethesda PUD as a TDR Receiving Area for those units. (**BETHESDA PUD**)

Pages 224-227

MOTION: To execute a deed conveying 25 Development Rights units to M/I Schottenstein Homes, Inc., an Ohio Corporation as authorized in Resolution No. R-2002-0624.

G. REQUEST TO AMEND PERMITTED USES (PLANNING DIVISION)

- 23. Agent: Charles W. Millar, Moyle, Flanigan, Katz, Raymond & Sheehan, P.A. Request for expansion and/or modification of permitted uses in a restrictive covenant associated with Ordinance 96-67: General Location: Southeast corner of Linton Blvd. and Jog Rd. (**LINTON/JOG**)

Pages 228-246

Size: 9.7 acres ±

BCC District: 5

Staff Recommendation: The Planning Division recommends approval to expand and/or modify the list of allowed uses in the restrictive covenant.

MOTION: To approve the applicant's request to expand and/or modify the list of allowed uses in the restrictive covenant.

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**

24. **PDD1997-004(B)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Don Stiller by Robert Basehart, Agent. Request: Rezoning from the Agricultural Residential (AR) and the Residential Estates (RE) to the Multiple Use Planned Development (MUPD) Zoning District and to allow a general repair and maintenance facility, a convenience store with gas sales and a car wash facility (requested uses). General Location: NE corner of Jog Rd. and Boynton Beach Blvd. (**KEREKES PLAZA**).

Pages 247-278

Size: 24.84 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential and the Residential Estates to the Multiple Use Planned Development Zoning District and to allow a general repair and maintenance facility, a convenience store with gas sales and a car wash facility.

25. **CA2002-006** Title: Resolution approving a Class A Conditional Use petition of Ray Van Tine and Robert & Arlene Nalesnik by Sara Lockhart, Agent. Request: To allow a charter school for 550 students. General Location: Approximately 290 feet east of Davis Rd. on the north side of Melaleuca Ln. (**JFK MEDICAL CENTER CHARTER SCHOOL**).

Pages 279-318

Size: 6.2 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Class A Conditional Use to allow a charter school for 550 students.

- 26. **CA2001-027** Title: Resolution approving a Class A Conditional Use, petition of True Tabernacle Ministries, by Ron Uphoff, Agent. Request: To allow a church or place of worship and a daycare, general. General Location: Approximately 1,600 feet east of Congress Ave. on the north side of 2nd Ave. (**TRUE TABERNACLE**).

Pages 319-340

Size: 4.8 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Class A Conditional Use to allow a church or place of worship and a daycare, general.

C. ZONING PETITIONS

- 27. **CA2001-067** Title: Resolution approving a Class A Conditional Use petition of Gator Leasing, by Land Design South, Agent. Request: To allow truck rental with accessory wholesale fuel. General Location: South side of Prospect Ave. bound on the east and west by Enterprise Ave. and Central Industrial Ave. (**GATOR LEASING**)

Pages 341-357

Size: 2.73 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Class A Conditional Use to allow truck rental with accessory wholesale fuel.

5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

- 28. Permission to Advertise the Real Estate Sales Office Ordinance

Pages 358-363

6. COMMISSIONER COMMENTS

7. ADJOURNMENT