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

APRIL 4, 2002

**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. Adoption of Agenda

2. POSTPONEMENTS AND WITHDRAWALS (Pages 1-3)

3. CONSENT AGENDA (Pages 4-9)

- o Staff
- o Board
- o Public

4. REGULAR AGENDA (Pages 10-13)

5. DIRECTOR COMMENTS (Page 13)

6. COMMISSIONER COMMENTS (Page 13)

7. ADJOURNMENT (Page 13)

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

THURSDAY APRIL 4, 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 April 4, 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. Motion to adopt Agenda.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **DOA1990-017(B)** Title: Resolution approving a Development Order Amendment petition of Lawrence Gabriel, by Robert Basehart, Agent. Request: To reconfigure site plan, modify/delete conditions and to allow funeral home (requested use). General Location: Approx. 500 feet east of Hagen Ranch Rd. on the south side of Boynton Beach Blvd. (**BOYNTON SELF STORAGE**)

Page 1

Size: 6.32 acres ±

BCC District: 5

MOTION: None required. [Reason: By right postponement to April 25, 2002]

2. **DOA1980-236(B)** Title: Resolution approving a Development Order Amendment petition of Gary and Julie Weston by Land Design South, Agent. Request: To reconfigure site plan and amend conditions of approval. General Location: SW corner of Cambridge St. and Military Trail. (**CAMBRIDGE AUTO SALES**)

N/A

Size: 0.84 acres ±

BCC District: 3

MOTION: To postpone to April 25, 2002. [Postponed by the Zoning Commission]

3. **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 2

Size: 4.04 acres ± (overall)

BCC District: 2

MOTION: To postpone to April 25, 2002. (Requested by petitioner. Staff supported.)

4. **CA2001-057** Title: Resolution approving a Class A Conditional Use petition of The William Chinnick Charitable Foundation, Inc. by Land Design South, Agent. Request: to allow a private school and a church or place of worship. General Location: NW corner of Boynton Beach Blvd. and Acme Dairy Rd. (**ST. JOSEPH'S HIGH SCHOOL**)

Page 3-4

Size: 50.76 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To postpone to April 25, 2002. (Requested by petitioner. Staff supported.)

B. WITHDRAWALS

5. **SR 88-99A.7** Status Report for Resolutions R-89-1233 and R-89-1234 (Petition 88-99A), the petition of H.A.S. Land Development Inc. Property owner: Salick Health Care, Inc. General Location: Approx. 0.2 mile north of 212th St. on the east side of U.S. 441 (S.R. 7). Current zoning Specialized Commercial with a Special Exception to amend and expand the site plan for a Planned Office Park to 1) redesign the site, 2) increase the building square footage, and 3) increase the acreage (approval of petition 1988-99A allowed medical/dental offices and a funeral home) (**SALICK HEALTH CARE**).

Pages 5-8

Size: 5.22 acres

BCC District: 5

MOTION: To withdraw Status Report SR 88-99A.7.

6. **SR 73-157A.3** Status Report for Resolution R-91-243 (Petition 1973-157A), the petition of King's Academy, Inc. Property owner: Kings Academy Inc. General Location: Approx. 0.1 mile east of Military Trail on the north side of Cherry Rd. Current zoning: Multiple Family Residential (Medium Density) with a Special Exception to amend the site plan for a private school, to increase the square footage (**KING'S ACADEMY**).

Pages 9-10

Size: 19.8 acres ±

BCC District: 2

MOTION: To withdraw Status Report SR 73-157A.3.

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

- 7. **DOA1996-084(A)** Title: Resolution approving a Development Order Amendment petition of Centex Homes, by Land Design South, Agent. Request: To reconfigure site plan and add units. General Location: Approx. 0.25 mile north of Forest Hill Blvd. on the east side of SR 7/US 441 (**STONEHAVEN PUD (aka WELLINGTON GLEN ESTATES PUD)**).

Pages 11-35

Size: 14.88 (affected) (overall coverage-126.5) 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 a Development Order Amendment to reconfigure site plan and add units.

C. ZONING PETITIONS – CONSENT

- 8. **Z2001-069** Title: Resolution approving an Official Zoning Map Amendment petition of George Kirkham and Pamela Crawford, by Charles Putnam, Agent. Request: Rezoning from Agricultural Residential to Residential Transitional Zoning District. General Location: Approx. 0.75 mile east of Jog Rd. on the south side of Western Way. (**KIRKHAM REZONING**)

Pages 36-47

Size: 5.2 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 from Agricultural Residential to Residential Transitional with a Conditional Overlay Zone.

- 9. **Z/COZ2001-075** Title: Resolution approving an Official Zoning Map Amendment petition of US Postal Service, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential to Public Ownership with a Conditional Overlay Zone. General Location: SE corner of Northlake Blvd. and Coconut Blvd. (**NORTHLAKE POST OFFICE**)

Pages 48-66

Size: 11.25 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 an Official Zoning Map Amendment from Agricultural Residential to Public Ownership with a Conditional Overlay Zone.

- 10. **DOA1997-104(B)** Title: Resolution approving a Development Order Amendment petition of The Oaks of Boca Raton Centure L.P., by Kilday & Associates, Inc., Agent. Request: To reconfigure master plan; modify/delete conditions of approval. General Location: Approx. 600 feet north of Clint Moore Rd. on the east side of SR 7/US441. (**THE OAKS OF BOCA RATON (aka RAINBOW PUD)**)

Pages 67-97

Size: 17.0 acres ± (affected)

BCC District: 5

410.35 acres ± (including preserve, 163 developable area)

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 reconfigure master plan and modify/delete conditions of approval.

- 11. **PDD2001-053** Title: Resolution approving an Official Zoning Map Amendment petition of Boos Development Group Inc. by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential, General Commercial and Planned Commercial Development to Multiple Use Planned Development with 2 restaurants, fast food (requested uses). General Location: Approx. 200 feet south of Melaleuca Ln. on the west side of Military Trail. (**MILITARY MELALEUCA MUPD**)

Pages 98-123

Size: 15.16 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 from Agricultural Residential, General Commercial and Planned Commercial Development to Multiple Use Planned Development with 2 fast food restaurants.

12. **DOA1977-041(B)** Title: Resolution approving a Development Order Amendment petition of Greater Yamaha of Palm Beach, by Russell Scott, Agent. Request: to add square footage, to allow vehicle sales and rental and general repair and maintenance (requested uses). General Location: Approx. 600 feet north of Cherry Rd. on the east side of Military Trail. (**GREATER YAMAHA OF PALM BEACH**)

Pages 124-152

Size: 3.99 acres ± (affected)
9.98 acres ± (overall)

BCC District: 2

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 square footage, to allow vehicle sales and rental and general repair and maintenance.

13. **Z/COZ2001-058** Title: Resolution approving Official Zoning Map Amendment petition of Lawrence R. Covey by Bernard A. Conko, Agent. Request: Rezoning from Residential Medium Density to Light Industrial with a Conditional Overlay Zone. General Location: Approx. 0.15 mile north of Okeechobee Blvd. on east side of Scott Ave. (**COVEY / REZONING**)

Pages 153-166

Size: 0.63 acres ±

BCC District: 2

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 from Residential Medium Density to Light Industrial with a Conditional Overlay Zone.

D. STATUS REPORTS – CONSENT

14. **SR 1998-021** Status Report for Resolutions R-98-1806 and R-98-1807 (Petition 1998-21), the petition of Robert Whitaker, Trustee. Property owner: Robert J. Whitaker Tr. General Location: Approx. 0.1 mile west of Congress Ave. on the south side of 6th Ave. S. Current zoning: Commercial Low Office with a Class A Conditional Use to allow a professional/medical office (**CONGRESS PARK II MEDICAL CENTER**).

Pages 167-170

Size: 2.98 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-98-1807, and approve a time extension until October 22, 2003, to commence development.

15. **SR 1998-022** Status Report for Resolutions R-98-1808 and R-98-1809 (Petition 1998-022), the petition of Jerry D. McCoy Trust. Property owner: Jerry D. McCoy TR., Don E. McCoy TR., and Emerald Lake Apartments. General Location: Approx. 0.2 mile west of Congress Ave. on the south side of 6th Ave., S. Current zoning: Commercial Low Office with a Conditional Use A to allow a professional/medical office (**CONGRESS PARK I MEDICAL CENTER**).

Pages 171-174

Size: 3.3 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-98-1809, and approve a time extension until October 22, 2003, to commence development.

16. **SR 1989-052A** Status Report for Resolutions R-97-247 and R-97-248 (Petition 89-52A), the petition of GKK Corporation. Property owner: Palm Beach Aggregates, Inc. General Location: Approx. 3 miles west of Seminole Pratt Whitney Rd. on the north side of Southern Blvd. Current zoning: Special Agriculture with a Class A Conditional Use to allow a Type IIIB Excavation (**GKK**).

Pages 175-179

Size: 3,044.85 acres ±

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval (annual report) in Resolution R-97-248, and approve a time extension until August 1, 2002 to comply with condition number E.7.c., and until October 1, 2002, to comply with condition number E.7.b. of Resolution No. R-2002-0009.

17. **SR 89-76.4** Status Report for Resolutions R-90-355 and R-90-356 (Petition 89-76), the petition of Arminelli, Duncan William, and Stanley Allen Mason. Property owner: Arminell, Duncan W. and Stanley A. Mason. General Location: Approx. 0.3 mile west of Boutwell Rd. on the north side of 2nd Avenue North. Current zoning: Light Industrial with a Special Exception to permit a Planned Industrial Development (**MASON INDUSTRIAL**).

Pages 180-183

Size: 2.0 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (architectural) in Resolution R-90-356, and approve a time extension until February 9, 2004, to commence development.

18. **SR 1997-071** Status Report for Resolution R-98-125 (Petition 97-71), the petition of Oriole Homes Corporation. Property owner: Anasca Office Building, Ltd. General Location: Approx. 0.4 mile west of Hagen Ranch Rd. on the north side of Boynton Beach Blvd. Current zoning: Multiple Use Planned Development (**HAGEN & BOYNTON OFFICE**).

Pages 184-187

Size: 4.24 acres ±

BCC District: 5

MOTION: To approve a time extension until January 29, 2003, for Resolution R-98-125.

- 19. **SR 1997-086** Status Report for Resolution R-98-121 (Petition 97-86), the petition of Linton Jog Assoc., Inc. Property owner: Linton Jog Assoc. Ltd. General Location: southeast corner of Jog Rd. and Linton Blvd. Current zoning: Multiple Use Planned Development (**ADDISON CENTRE**).

Pages 188-190

Size: 7.93 acres ±

BCC District: 5

MOTION: To approve a time extension until January 29, 2004, for Resolution R-98-121.

- 20. **SR 1998-062** Status Report for Resolution R-99-99 (Petition 1998-062), the petition of Pike Investments, Inc. and Capital Resources Group, Inc. Property owner: Pike Investments, Inc. General Location: Approx. 1,000 ft. east of Pike Rd. on the north side of 7th Place North. Current zoning: Light Industrial (**WEITZ AND SPARLING**).

Pages 191-194

Size: 10.00 acres ±

BCC District: 6

MOTION: To adopt a resolution to amend voluntary commitments (architectural) in Resolution R-99-99, and approve a time extension until January 28, 2003, to commence development.

E. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS

- 21. **DOA1995-091(A)**

Resolution for Bruce Frey (OKEECHOBEE SERVICE STATION)

Pages 195-206

MOTION: To receive and file Zoning Resolution ZR-2002-002.

- 22. **CB1995-091(A)**

Resolution for Bruce Frey (OKEECHOBEE SERVICE STATION)

Pages 207-218

MOTION: To receive and file Zoning Resolution ZR-2002-003.

F. ADMINISTRATIVE INQUIRY - PREM

- 23. **AI-2002-01** Taheri PUD – Petition No. 1996-031 - Civic Site Cash Out

Pages 219-221

G. CORRECTIVE RESOLUTION

24. **TDR2001-029**

Corrective Resolution: To correct the fifth WHEREAS Clause of Resolution R-2002-0291. (**COLONY CLUB APARTMENTS**)

Pages 222-223

MOTION: To adopt a resolution to correct the fifth WHEREAS Clause of Resolution R-2002-0291.

H. TDR CONTRACT, ESCROW AGREEMENT AND DEED

25. **PDD/TDR
2001-029**

Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Holiday Management Associates, for the sale and purchase of 95 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 February 28, 2002 by Resolution No. R-2002-0291. Request: Approve an escrow agreement between Palm Beach County, Holiday Management Associates and Harry L. Seaton, (escrow agent) for the sale and purchase of 95 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 February 28, 2002. (**COLONY CLUB APARTMENTS PUD**)

Pages 224-231

MOTION: To approve a contract for the sale and purchase of 95 development rights at a purchase price of \$10,399.00 per unit for a total price of \$987,905.00.

MOTION: To approve an escrow agreement for 95 development rights at a purchase price of \$10,399.00 per unit for a total price of \$987,905.00.

26. **PDD/TDR
2001-029**

Execute a deed conveying 95 Development Rights units to Holiday Management Associates as authorized in Resolution No. R-2002-0291 which approved the purchase of 95 Development Rights from the County's TDR Bank at a cost of \$10,399.00 per unit and the designation of the Colony Club Apartments PUD as a TDR Receiving Area for those units. (**COLONY CLUB APARTMENTS PUD**)

Pages 232-233

MOTION: To execute a deed conveying 95 Development Rights units to Holiday Management Associates as authorized in Resolution No. R-2002-0291.

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 SMALL SCALE AMENDMENT AND ZONING PETITION**

27. **01-SCA 26 COM 1** Christopher S. Doyle, by Joseph J. Verdone, Carlton Fields Ward Et. Al. Small Scale Land Use Amendment (SCA): Amend land use from High Residential, 12 units per acre (HR-12) to Commercial High, with an underlying 12 units per acre (CH/12). General Location: 186 feet south of PGA Blvd. on the west side of Ellison Wilson Rd. (**PGA/ELLISON WILSON A.K.A HATTIES LANDING**)

Pages 234-264

Size: 2.22 acre ±

BCC District: 1

Staff Recommendation: Approval of the requested future land use change from HR-12 to CH/12, subject to a condition.

LPA Recommendation: Approval of staff's recommendation for a future land use change from HR-12 to CH/12, subject to two conditions. (8-1 vote)

MOTION:

28. **PDD/DOA1984-159(B)** Title: Resolution approving an Official Zoning Map Amendment petition of Chris Doyle, by Joe Verdone, Agent. Request: Rezoning from Residential Medium Density to Multiple Use Planned Development. Title: Resolution approving a Development Order Amendment petition of Chris Doyle, by Joe Verdone, Agent. Request: to add land area and square footage. General Location: SW corner of Ellison Wilson Rd. and PGA Blvd. (**HATTIES LANDING**).

Pages 265-301

Size: 3.97 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 an Official Zoning Map Amendment from Residential Medium Density to Multiple Use Planned Development.

MOTION: To adopt a resolution approving the request for a Development Order Amendment to add land area and square footage.

C. TOWER WAIVER

- 29. **W1986-011(A)** Title: Resolution approving Waivers from Dimensional Criteria petition of Village Corner Stores by Geoff Sluggett, Agent. Request: to allow waivers for separation distance of communication tower from residential structures. General Location: Approx. 1 mile west of Military Trail on the north side of SW 18th Street. (**VILLAGE CORNER STORES**)

Pages 302-329

Size: 2.5 acres ±

BCC District: 4

Staff Recommendation:

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the waivers to reduce the separation distance from communication tower to residential structures.

D. SMALL SCALE AMENDMENT AND ZONING PETITION

- 30. **01-SCA 69 COM 1** Wellington Storage Partners, by Geoffrey B. Sluggett, Geoffrey B. Sluggett & Associates. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 2 units per acre (LR-2) to Commercial High (CH). General Location: on the west side of State Road 7/US 441, approximately ½ of a mile north of Forest Hill Boulevard. (**WELLINGTON MUPD**)

Pages 330-353

Size: 7.06 acres ±

BCC District: 6

Staff Recommendation: Approval of the requested future land use change from LR-2 to CH, subject to a condition.

LPA Recommendation: Approval of staff's recommendation for a future land change from LR-2 to CH, subject to a condition. (12-0 vote)

MOTION: To adopt an ordinance **approving** the request for a future land use change from LR-2 to CH, subject to a condition.

31. **PDD2001-028** Title: Resolution approving an Official Zoning Map Amendment petition of Wellington Storage Ltd. Partners, by Geoff Slugget, Agent. Request: Rezoning from Agricultural Residential to Multiple Use Planned Development and to allow a self-service storage facility (requested use). General Location: Approx. 2,000 feet north of Forest Hill Blvd. on the west side of SR 7/US 441. (**WELLINGTON MUPD**)

Pages 354-375

Size: 7.08 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 an Official Zoning Map Amendment from Agricultural Residential to Multiple Use Planned Development and to allow a self-service storage facility.

E. PREVIOUSLY POSTPONED ZONING PETITIONS

32. **Z/CA2001-017** Title: Resolution approving an Official Zoning Map Amendment petition of BP Amoco, by Nick Nichols, Agent. Request: Rezoning from Residential High Density to General Commercial. Title: Resolution approving a Class A Conditional Use petition of BP Amoco, by Nick Nichols, Agent. Request: to allow a convenience store with gas sales. General Location: Southwest corner of Boutwell Ave. and 10th Ave. North (**10TH AVENUE/BOUTWELL AMOCO**).

Pages 376-405

Size: 1.14 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (4-2).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Residential High Density to General Commercial.

MOTION: To adopt a resolution approving the request for a Class A Conditional Use to allow a convenience store with gas sales.

- 33. **DOA1995-022(B)** Title: Resolution approving a Development Order Amendment petition of Chrysler Realty Corp. by Kim Glas-Castro and Bonnie Miskel, Agent. Request: to reconfigure site plan, delete square footage, modify/delete conditions of approval and to add general repair and maintenance (requested use). General Location: South side of Okeechobee Blvd., immediately west of Florida's Turnpike (**ARRIGO DODGE**).

Pages 406-434

Size: 29.09 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment to reconfigure site plan, delete square footage, modify/delete conditions of approval and to add general repair and maintenance.

MOTION: To adopt a resolution approving the request for deviations from the Architectural Guidelines for the existing portion of the service center.

5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

- 34. Managed Growth Tier System (MGTS) Code Revision Update

(under separate cover)

- 35. Real Estate Sales Offices in PUD Update

(under separate cover)

6. COMMISSIONER COMMENTS

7. ADJOURNMENT