

Karen Marcus, Chair
Tony Masilotti, Vice Chair
Jeff Koons
Warren H. Newell
Mary McCarty
Burt Aaronson
Addie L. Greene



Robert Weisman

Department of Planning, Zoning & Building
100 Australian Ave
West Palm Beach, FL 33406
Phone: 561-233-5200
Fax: 561-233-5165

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

JUNE 26, 2003

**THURSDAY
9:30 AM**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Opening Prayer and Pledge of Allegiance
 - C. Proof of Publication
 - D. Swearing In
 - E. Adoption of Agenda

- 2. POSTPONEMENTS/ WITHDRAWALS (Pages 1-2)**

- 3. CONSENT AGENDA (Pages 3-6)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 7-9)**

- 5. DIRECTOR COMMENTS (Page 9)**

- 6. COMMISSIONER COMMENTS (Page 9)**

- 7. ADJOURNMENT (Page 9)**

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

THURSDAY JUNE 26, 2003

1. CALL TO ORDER

- A. Roll Call – **9:30 A.M.**
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication – Motion to receive and file
- D. Swearing In – County Attorney
- E. Motion to Adopt Agenda

2. POSTPONEMENTS, WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD2002-028** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Fred Keller Trust by Robert Bentz, Agent. Request: Rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) District and to allow 3 fast food restaurants and a convenience store with gas sales (requested uses). General Location: Northwest corner of Pike Rd. and Southern Blvd. (**KELLER MUPD**).

Page 1

Size: 5.66 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to July 24, 2003. (Postponed by Zoning Commission).

- 2. **PDD2002-037** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Ronald Mastroianni & David Moscarelli by Robert Bentz, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Approx. 330 feet west of Florida's Turnpike on the south side of Lake Worth Rd. (**MASTROIANNI MUPD**).

Page 2

Size: 9.15 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to July 24, 2003. (Postponed by Zoning Commission).

3. **DOA1985-061D** Title: Resolution approving a Development Order Amendment petition of Home Depot USA by Peter Van Rens, Agent. Request: To reconfigure master plan and add square footage. General Location: Northeast corner of Lake Worth Rd. and North Price St. (**HOME DEPOT PLAZA**).

Page 3

Size: 15.46 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to July 24, 2003. (Postponed by Zoning Commission).

4. **DOA1975-068U** Title: Resolution approving a Development Order Amendment petition of Boca Fitness Enterprises, Inc. by Michael Posner, Agent. Request: To allow a fitness center in excess of 15,000 square feet. General Location: Northwest corner of Palmetto Park Rd. and Ponderosa Dr. (**LOGGERS RUN SHOPPING CENTER**).

Page 4

Size: 16.12 acres ±

BCC District: 5

MOTION: To postpone 30 days until July 24, 2003. (Postponed by Zoning Commission).

B. WITHDRAWALS

5. **EAC2001-017A** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of BP Products North America Inc. by Timothy Bauer, Agent. Request: To modify/delete a condition of approval (landscape buffer). General Location: SW corner of 10th Ave. North and Boutwell Rd. (**10TH & BOUTWELL BP**).

Page 5

Size: 1.0 acres ±

BCC District: 3

MOTION: None. (Requested by petitioner)

– END OF POSTPONEMENTS AND WITHDRAWALS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

- 6. **Z2002-064** Title: Resolution approving an Official Zoning Map Amendment petition of G.B. Enterprises of Southwest Florida by George Gentile, ASLA, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approx. 0.5 mile east of Jog Rd. bound on the north and south by Belvedere Rd. and Southern Blvd. (**JOHNSON PROPERTY LINEAR PARK**).

Pages 6-21

Size: 24.25 acres ±

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 rezoning from the Agricultural Residential Zoning District to the Public Ownership Zoning District with a Conditional Overlay Zone.

C. ZONING PETITIONS – CONSENT

- 7. **DOA1984-130I** Title: Resolution approving a Development Order Amendment petition of Palm Beach Commerce Assoc. Ltd. by Kim Juran, AICP, Agent. Request: To redesignate land uses. Request: Substantial Deviation Determination. General Location: Northwest corner of Florida’s Turnpike and Okeechobee Blvd. (**VISTA CENTER DRI**).

Pages 22-59

Size: 493.6 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to redesignate land uses.

MOTION: The request is not a Substantial Deviation.

8. **DOA1987-006D** Title: Resolution approving a Development Order Amendment petition of AutoNation Imports of Palm Beach, Inc. by Kim Juran, AICP, Agent. Request: To add land area and parking spaces. General Location: Southwest corner of Congress Avenue and Okeechobee Blvd. (**LEXUS OF PALM BEACH**).

Pages 60-87

Size: 4.04 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 to add land area and parking spaces.

9. **DOA1992-023D** Title: Resolution approving a Development Order Amendment petition of Belvedere Military Corp and PBC BCC by Kieran J. Kilday, Agent. Request: To delete land area. General Location: Northeast corner of Military Tr. and Belvedere Rd. (**BMC / WAL-MART**).

Pages 88-127

Size: 22.41 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 to delete land area.

10. **Z2003-017** Title: Resolution approving an Official Zoning Map Amendment petition of Palm Beach County BCC by Kieran J. Kilday, Agent. Request: Rezoning from the Multiple Use Planned Development (MUPD) District to the Public Ownership (PO) Zoning District. General Location: Northwest corner of Belvedere Rd. and Country Club Rd. (**PALM BEACH COUNTY RPZ**).

Pages 128-140

Size: 2.37 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 a rezoning from the Multiple Use Planned Development District to the Public Ownership Zoning District.

D. STATUS REPORTS – CONSENT

- 11. **SR NPN-13.2** Status Report for Resolutions R-1994-1469, R-998-1108, and R-1998-1109 (Petition NPN-13), the petition of Oriole Homes. Property owner: Via Palma Delray, Inc. General Location: north and south sides of Via Delray, on the east side of the LWDD E-3 Canal. Current zoning: Planned Unit Development with (**CORAL LAKES PUD**).

Pages 141-142

Size: 34.18 acres ±

BCC District: 5

MOTION: To approve a time extension until May 10, 2005, for Resolutions R-1994-1469, R-1998-1108, and R-1998-1109.

- 12. **SR 1987-032B.7** Status Report for Resolutions R-91-244 and R-91-245 (Petition 1987-032B), the petition of Jack E. Cook and Willie H. Day. Property owner: Hippocrates Health Institute of Florida Inc. General Location: Approx. 0.5 mile north of Belvedere Rd. on the west side of Skees Rd., bound on the north by the Lake Worth Drainage District Lateral Canal No. 2. Current zoning: Residential Transitional Suburban with a Special Exception to amend the Master Plan for the Beacon Pines Planned Unit Development to consist exclusively of a Congregate Living Facility - Type III (**HIPPOCRATES HEALTH INSTITUTE CLF**).

Pages 143-146

Size: 9.87 acres ±

BCC District: 2

MOTION: To approve a time extension until April 26, 2005, for Resolutions R-91-244 and R-91-245.

- 13. **SR 1995-108.3** Status Report for Resolution R-96-541 (Petition 1995-108), the petition of Jade Land Company. Property owner: Jade Land Company, Inc. General Location: Approx. 200 feet east of Loxahatchee Dr. on the north side of Westgate Ave. Current zoning: General Commercial with a Conditional Use A: Wholesale Building Supply (**PALM BEACH PLUMBING**).

Pages 147-150

Size: 1.65 acres ±

BCC: District: 2

MOTION: To adopt a resolution to amend conditions of approval (architectural guidelines) in Resolution R-96-541, and approve a time extension until April 25, 2005, for Resolution R-96-541.

E. CORRECTIVE RESOLUTIONS

- 14. **PDD2002-067** Corrective Resolution: To correct Engineering Conditions E.7, E.13 and E.14 of Exhibit C of Resolution R-2003-0564. (FOGG PROPERTY NORTH PUD)

Pages 151-152

MOTION: To adopt a resolution correcting Engineering Conditions E.7, E.13 and E.14 of Exhibit C of Resolution R-2003-0564.

15. **PDD2002-068** Corrective Resolution: To correct Engineering Conditions E.6, E.7, E.13 and E.14 and Planning Conditions J.6.f. and J.8.c of Exhibit C of Resolution R-2003-0565. (FOGG PROPERTY CENTRAL PUD)

Pages 153-155

MOTION: To adopt a resolution correcting Engineering Conditions E.6, E.7, E.13 and E.14 and Planning Conditions J.6.f. and J.8.c of Exhibit C of Resolution R-2003-0565.

16. **PDD2002-069** Corrective Resolution: To correct Engineering Conditions E.7 and E.14 and Planning Conditions I.6.f. and I.7 of Exhibit C of Resolution R-2003-0566. (FOGG PROPERTY SOUTH PUD)

Pages 156-157

MOTION: To adopt a resolution correcting Engineering Conditions E.7 and E.14 and Planning Conditions I.6.f. and I.7 of Exhibit C of Resolution R-2003-0566.

17. **W/Z/COZ2001-068** Corrective Resolutions: To correct the legal description contained in Resolutions R-2001-0607 and R-2001-0608. (KIRCHMAN REZONING)

Pages 158-161

MOTION: To adopt a resolution correcting the legal description contained in Resolution R-2001-0607.

MOTION: To adopt a resolution correcting the legal description contained in Resolution R-2001-0608.

18. **SE1987-144** Corrective Resolution: To correct the sixth Whereas clause of Resolution R-1989-0331. (HAGEN RANCH PROPERTIES)

Page 162

MOTION: To adopt a resolution correcting the sixth Whereas clause of Resolution R-1989-0331.

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 PLAN AMENDMENT AND ZONING PETITIONS

19. **2002-0013 SCA** AT&T Wireless Services, by Thomas Yonge, Kimley-Horn and Associates, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 3 units per acre (LR-3) to Commercial Low with underlying 3 units per acre (CL/3) with cross-hatching. General Location: Approx. 200' north of Woolbright Rd. on the west side of Military Trail. **(WALGREENS PARKING III)**

Pages 163-183

Size: 0.72 acres ±

BCC District: 5

Staff Recommendation: Approval of the requested future land use change from LR-3 to CL/3 with cross-hatching, subject to a condition.

LPA Recommendation: Approval of staff's recommendation for a future land use change from LR-3 to CL/3 with cross-hatching, subject to a condition (10-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from LR-3 to CL/3 with cross-hatching, subject to one condition.

20. **Z/DOA1996-006A** Title: Resolution approving an Official Zoning Map Amendment petition of PBC Realty Assoc. by Thomas Yonge, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District. Title: Resolution approving a Development Order Amendment petition of PBC Realty Assoc. by Thomas Yonge, Agent. Request: To add land area and parking spaces. General Location: Northwest corner of Woolbright Rd. and Military Tr. **(WALGREENS PARKING III)**.

Pages 184-203

Size: 1.77 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Community Commercial Zoning District.

MOTION: To adopt a resolution approving the request to add land area and parking spaces.

21. **DOAZ1981-020C** Title: Resolution approving a Development Order Amendment petition of AT&T Wireless Services by Thomas Yonge, Agent. Request: To delete land area. Title: Resolution approving an Official Zoning Map Amendment petition of AT&T Wireless Services by Thomas Yonge, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional Suburban (RTS) Zoning District. General Location: Approx. 350 feet north of Woolbright Rd. on the west side of Military Tr. (**AT&T REZONING**).

Pages 204-223

Size: 1.82 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to delete land area.

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Residential Transitional Suburban Zoning District.

C. PREVIOUSLY POSTPONED ZONING PETITIONS

22. **CA2002-017** Title: Resolution approving a Class A Conditional Use petition of Mackey Development by H. Burton Smith, Agent. Request: To allow a Voluntary Density Bonus. General Location: Approx. 600 feet west of Central Blvd. on the south side of Jupiter Gardens Blvd. (**MALLARDS COVE**).

Pages 224-281

Size: 3.63 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 to allow a Voluntary Density Bonus.

D. ZONING PETITIONS

23. **PDD/TDR2003-001** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Lennar Communities, Inc. by Anna S. Cottrell, Agent. Request: Rezoning from the Residential Single Family (RS) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of Lennar Communities, Inc. by Anna S. Cottrell, Agent. Request: To allow the Transfer of Development Rights for 3 units and to designate this petition as the receiving area. General Location: Approx. 0.5 mile west of I-95 on the south side of Lantana Rd. (**LAKE OSBORNE PUD**).

Pages 282-312

Size: 9.86 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

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

MOTION: To adopt a resolution approving the request to allow the Transfer of Development Rights for 3 units and to designate this petition as the receiving area.

MOTION: Adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

B. PLANNING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT