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

MAY 22, 2003

**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

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 May 22, 2003 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. Adoption of Agenda

2. POSTPONEMENTS/ WITHDRAWALS (Pages 1-2)

3. CONSENT AGENDA (Pages 3-7)

- o Staff
- o Board
- o Public

4. REGULAR AGENDA (Page 8)

5. DIRECTOR COMMENTS (Page 8)

6. COMMISSIONER COMMENTS (Page 8)

7. ADJOURNMENT (Page 8)

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

THURSDAY MAY 22, 2003

1. CALL TO ORDER

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

2. POSTPONEMENTS, WITHDRAWALS

A. POSTPONEMENTS

- 1. **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**).

N/A

Size: 9.15 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to June 26, 2003. (Postponed by Zoning Commission).

- 2. **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. General Location: SW corner of 10th Ave. North and Boutwell Rd. (**10TH & BOUTWELL BP**).

Page 1

Size: 1.0 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to June 26, 2003. (Petitioner requested).

3. **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 LINEAR PARK**).

Page 2

Size: 24.25 acres \pm

BCC District: 6

MOTION: To postpone thirty (30) days to June 26, 2003. (Petitioner requested).

B. WITHDRAWALS

– END OF POSTPONEMENTS AND WITHDRAWALS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. REMAND

- 4. **PDD2002-011** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Lawrence Gideon Johnson by George G. Gentile, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: SE corner of Belvedere Rd. and Florida's Turnpike. **(JOHNSON PROPERTY MUPD)**

Page 3

Size: 54.6 acres ±

BCC District: 6

MOTION: To remand back to the July 9, 2003 DRC meeting. (Requested by petitioner)

C. ZONING PETITIONS – CONSENT

- 5. **CA2002-057** Title: Resolution approving a Class A Conditional Use petition of First Holiness Church of the Living God, No. 3 by Kevin McGinley, Agent. Request: To allow a church or place of worship. General Location: Approx. 0.3 mile east of "F" Rd. on the south side of Okeechobee Blvd. **(FIRST HOLINESS CHURCH OF THE LIVING GOD)**.

Pages 4-25

Size: 5.0 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 to allow a church or place of worship.

- 6. **DOA/EAC1980-192A** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of John A. McCarthy by Charles Putman, Agent. Request: To modify/delete conditions of approval. General Location: Approx. 4.5 miles south of Southern Blvd. and Flying Cow Ranch Rd. **(McCARTHY AIRSTRIP)**.

Pages 26-36

Size: 100 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request to modify/delete conditions of approval.

7. **DOA/EAC1983-058I** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of Boynton Waters Villa Corp. by Robert Basehart, Agent. Request: To redesignate land uses from recreational to residential and reconfigure Pod B. General Location: Approx. 1,200 feet north of Boynton Beach Blvd. on the west side of Jog Rd. (**LAKES OF BOYNTON/ENCLAVE AT BOYNTON WATERS POD B**).

Pages 37-56

Size: 43.5 acres \pm

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request to redesignate land uses from recreational to residential and reconfigure Pod B.

8. **DOA2001-057A** Title: Resolution approving a Development Order Amendment petition of The William Chinnick Charitable Foundation Inc. by Robert Bentz, Agent. Request: To modify/delete condition of approval and add students. General Location: Approx. 0.5 mile west of the Florida Turnpike on the north side of Boynton Beach Blvd. (**ST. JOSEPH'S**).

Pages 57-84

Size: 54.95 acres \pm

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 to modify/delete condition(s) of approval and add students.

9. **DOA1996-086A** Title: Resolution approving a Development Order Amendment petition of Symphony Builders by Jay Huebner, Agent. Request: To reconfigure site plan and to modify/delete conditions of approval. General Location: Southwest corner of Simms Rd. and Aspen Ridge Cir. (**DELRAY CO-HOUSING (AKA SYNERGY CO-HOUSING)**).

Pages 85-111

Size: 3.53 acres \pm

BCC District: 5

Staff Recommendation: Approval, subject to voluntary commitments/conditions.

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

MOTION: To adopt a resolution approving the request to reconfigure site plan.

MOTION: To adopt a resolution approving the request to modify/delete the voluntary density bonus conditions of approval.

D. STATUS REPORTS – CONSENT

- 10. **SR 1984-160.8** Status Report for Resolutions R-1985-292 and R-1985-293 (Petition 1984-160), the petition of Forest Hill Ventures. Property owner: Palm Beach Habilitation Center, Inc. General Location: Approx. 0.5 mile west of Military Trail on the south side of Summit Blvd. and the west side of Haverhill Rd. Current zoning: Single Family Residential with a Special Exception to allow a Planned Unit Development (**SUMMIT PINES PUD**).

Pages 112-115

Size: 2.82 acres ±

BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval (number of residents, plat) in Resolution R-1985-293, and approve a time extension until April 27, 2005, to record a plat

- 11. **SR 1986-134.10** Status Report for Resolutions R-87-515 and R-87-516 (Petition 1986-134), the petition of Transal Corporation. Property owner: Congress Business Center Corp. General Location: Approx. 0.1 mile north of Forest Hill Blvd. on the west side of Congress Ave. Current zoning: General Commercial with a Special Exception to allow an office warehouse combination (**CONGRESS CENTER**).

Pages 116-119

Size: 7.24 acres ±

BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-87-516, and approve a time extension until March 31, 2005, to commence development.

- 12. **SR 87-124A.6** Status Report for Resolution R-91-371 (Petition 1987-124A), the petition of Systems Control, Inc. Property owner: CMCC Ventures LTD. and United States Postal Service. General Location: Approx. 170 feet south of the Summit Blvd. and Congress Ave. intersection on the west side of Congress Ave. Current zoning: General Commercial with a Special Exception to amend the site plan for a previously approved Planned Commercial Development to include a financial institution with three (3) drive up teller windows, and an auto service station with an accessory car wash facility (**SUMMIT PARK OF COMMERCE PCD**).

Pages 120-123

Size: 3.30 of 8.74 acres ±

BCC District: 2

MOTION: To approve a time extension until October 10, 2003, for Resolution R-91-371.

13. **SR 1994-92.3** Status Report for Resolution R-1995-0431 (Petition 1994-92), the petition of Lutheran Church of the Holy Cross. Property owner: Lutheran Church of the Holy Cross. General Location: Approx. 0.1 mile north of Forest Hill Blvd. on the west side of Kirk Rd. Current zoning: Multiple Family Residential (Medium Density) with a Class A Conditional Use allowing a Congregate Living Facility (CLF) Type 3 (83 beds) and Day Care Center, General (**HOLY CROSS**).

Pages 124-127

Size: 6.12 acres ±

BCC District: 2

MOTION: To approve a time extension until October 10, 2003, for Resolution R-1995-0431.

14. **SR 1995-102.3** Status Report for Resolution R-96-385 (Petition 1995-102), the petition of Thurston Lambertson. Property owner: Peter J. Wynn. General Location: Approx. 0.2 mile west of Skees Rd. on the south side of Belvedere Rd. Current zoning: Light Industrial (**TLC DIVERSIFIED, INC.**)

Pages 128-130

Size: 3.86 acres ±

BCC District: 6

MOTION: To approve a time extension until March 28, 2005, for Resolution R-96-385.

15. **SR 1998-076** Status Report for Resolution R-2000-0418 (Petition 1998-076), the petition of William S. Graham, Trustee. Property owner: PEBB Enterprises University. General Location: Approx. 1 mile south of Southern Blvd. and 1000 feet east of SR7/US441 on the northwest corner of Dillman Rd. and Whippoorwill Way. Current zoning: Residential Transitional (**GRAHAM REZONING**).

Pages 131-133

Size: 10.00 acres ±

BCC District: 6

MOTION: To approve a time extension until March 23, 2005, for Resolution R-2000-0418.

E. CORRECTIVE RESOLUTION

16. **SR86-114B** Corrective Resolution: To correct a resolution number in Resolution No. R-2003-0424. (**SUMMIT CHRISTIAN SCHOOL**)

Pages 134-135

MOTION: To adopt a resolution correcting a resolution number in Resolution No. R-2003-0424.

F. TDR CONTRACT, ESCROW AGREEMENT AND DEED

17. **PDD/TDR 1995-118B** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and TLH CHURCH, for the sale and purchase of 3 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$13,308.00 per unit as approved by the Palm Beach County Board of County Commissioners on March 27, 2003 by Resolution No. R-2003-0431. Request: Approve an escrow agreement between Palm Beach County, TLH CHURCH and Coast to Coast Title, (escrow agent) for the sale and purchase of 3 TDR units from the Palm Beach County TDR Bank at a purchase price of \$13,308.00 per unit, as approved by the Palm Beach County Board of County Commissioners on March 27, 2003. (**LANTANA ROAD PUD**)

Pages 136-143

MOTION: To approve a contract for the sale and purchase of 3 development rights at a purchase price of \$13,308.00 per unit for a total price of \$39,924.00.

MOTION: To approve an escrow agreement for 3 development rights at a purchase price of \$13,308.00 per unit for a total price of \$39,924.00.

18. **PDD/TDR 1995-118B** Execute a deed conveying 3 Development Rights units to TLH CHURCH as authorized in Resolution No. R-2003-0431 which approved the purchase of 3 Development Rights from the County's TDR Bank at a cost of \$13,308.00 per unit and the designation of the Lantana Road PUD as a TDR Receiving Area for those units. (**LANTANA ROAD PUD**)

Pages 144-145

MOTION: To execute a deed conveying 3 Development Rights units to TLH CHURCH as authorized in Resolution No. R-2003-0431.

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 STATUS REPORT

19. **CR 2000-090/E1** Status report for Resolution No. R-2001-0819 (Petition 2000-090) the petition of Karen Padyjasek. Property owners: Karen Padyjasek and Dianne D Carter. General Location: north side of Pahokee Airport. Current zoning: Multiple Family Residential (High Density) with a Class A Conditional Use to allow a motion picture production studio, an outdoor entertainment use, a boarding and rooming house and a campground (**SKY DIVE AMERICA**).

Pages 146-152

Size: 5.58 acres ±

BCC District: 6

MOTION: To adopt a resolution to revoke Resolution No. R-2001-0819.

C. PREVIOUSLY POSTPONED ZONING PETITIONS

20. **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 153-210

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.

5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

21. Palm Beach Thoroughbred Training Farm (Magna)

N/A

B. PLANNING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT