

Karen Marcus, Chair
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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**

MARCH 25, 2004

**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 (Pages 1-3)**

- 3. CONSENT AGENDA (Pages 4-8)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 9-10)**

- 5. DIRECTOR COMMENTS (Page 10)**

- 6. COMMISSIONER COMMENTS (Page 10)**

- 7. ADJOURNMENT (Page 10)**

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

THURSDAY, MARCH 25, 2004

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

A. POSTPONEMENTS

- 1. **PDD2003-033** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Communities Finance Co., by Gentile, Holloway, O'Mahoney & Assoc., Agent. Request: Rezoning from the Residential Single Family (RS) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: SWC of Donald Ross Rd. and Ellison Wilson Rd. (**PARCEL 32 PUD**).

Page 1

Size: 77.17 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to April 22, 2004. (Postponed by Zoning Commission.)

- 2. **Z/CA2003-039** Title: Resolution approving an Official Zoning Map Amendment petition of Benoist Land Corp. & Four Brothers Recycling, by Beril Kruger, Agent. Request: Rezoning from the Light Industrial (IL) Zoning District to the General Industrial (IG) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Benoist Land Corp. & Four Brothers Recycling, by Beril Kruger, Agent. Request: To allow a salvage or junk yard. General Location: Approx. 850 feet north of Southern Blvd. on the west side of Benoist Farms Rd. (**FOUR BROTHERS RECYCLING**).

Page 2

Size: 15.53 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to April 22, 2004. (Postponed by Zoning Commission.)

3. **PDD2003-059** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of The Gahm Family Partnership, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 750 feet west of Lyons Rd. on the south side of Palmetto Park Rd. (**ROYAL WOODS PUD (aka VETERANS PARK PUD)**).

Page 3

Size: 10 acres ±

BCC District: 5

MOTION: None required. (By right postponement to April 22, 2004.)

4. **DOA1998-032A** Title: Resolution approving a Development Order Amendment petition of Southern Waste Systems, Ltd., by Sara Lockhart, Agent. Request: To modify/delete conditions of approval for a MUPD with Permanent Air Curtain Incinerator. General Location: NEC of Cleary Rd. and Wallis Rd. (**PALM BEACH TRANSFER & RECYCLING**).

Page 4

Size: 8.75 acres ±

BCC District: 6

MOTION: None required. (By right postponement to April 22, 2004.)

5. **PDD/DOA2003-007A** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Catherine Moore, Trustee; William Lassiter, Trustee; & George T. Elmore, Trustee, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Community Commercial (CC) Zoning District to the Multiple Use Planned Development (MUPD) District. Title: Resolution approving a Development Order Amendment petition of Catherine Moore, Trustee; William Lassiter, Trustee; & George T. Elmore, Trustee, by Kilday & Associates, Inc., Agent. Request: To reconfigure site plan, add land area, add square footage, modify conditions of approval, and allow a restaurant, fast food (requested use). General Location: NEC of Lantana Rd. and SR 7/US 441 (**MISSION LAKES MUPD**).

Page 5

Size: 38.22 acres ±

BCC District: 2

MOTION: None required. (By right postponement to April 22, 2004.)

6. **CA2003-055** Title: Resolution approving a Class A Conditional Use petition of Tallahassee Drive, LLC, by ZPR, Agent. Request: To allow an Office-Warehouse. General Location: NWC of Shawnee Ave. & Tallahassee Dr. (**SHAWNEE & TALLAHASSEE OFFICE WAREHOUSE**).

Page 6

Size: .99 acres ±

BCC District: 2

MOTION: To postpone thirty (30) days to April 22, 2004. (Postponed by Zoning Commission.)

7. **SR 1997-101.3** Status Report for Resolution R-98-408 (Petition 1997-101), the petition of Polo Realty, Inc. Property owner: Polo Realty, Inc. General Location: Approx. 0.5 mile north of Clint Moore Rd. on the east side of Jog Rd. Current zoning: Planned Unit Development (**OXLEY NORTHERN PUD**).

Pages 7-10

Size: 36.95 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to April 22, 2004.

8. **SR 1986-114B.3** Status Report for Resolution R-97-148 (Petition 1986-114B), the petition of Summit Christian School. Property owner: Summit Christian School of Palm Beach County. General Location: SEC of Haverhill Rd. and Summit Blvd. Current zoning: Multiple Family Residential with a Special Exception to allow a private educational institution including a daycare facility (**SUMMIT CHRISTIAN SCHOOL**).

Pages 11-14

Size: 18.16 acres ±

BCC District: 6

MOTION: To postpone sixty (60) days to May 27, 2004.

9. **SR 1999-077** Status Report for Resolution R-2000-1234 (Petition 1999-077), the petition of Arthur Leibovit/Helen Godfriend/Irving Denmark. Property owner: Weldon Townhouse Limited. General Location: Approx. 375 feet east of SR 7/US441 on the south side of Okeechobee Blvd. Current zoning: Residential Planned Unit Development (**OKEECHOBEE/441 PUD**).

Pages 15-18

Size: 40 acres ±

BCC District: 6

MOTION: To postpone ninety (90) days to June 24, 2004.

– END OF POSTPONEMENTS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS – CONSENT

- 10. **EAC1997-041B** Title: Resolution approving a Development Order Amendment/ Expedited Amendment Consideration petition of R-M Development Group Partners, LLC, by Basehart Consulting, Agent. Request: To modify/delete conditions of approval. General Location: Approx. 950 feet east of Jog Rd. on the south side of Linton Blvd. (**ADDISON / LINTON MEDICAL CTR.**).

Pages 19-35

Size: 4.11acres ±

BCC District: 5

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request to modify/delete voluntary commitments.

- 11. **Z2003-091** Title: Resolution approving an Official Zoning Map Amendment petition of John Rawn, by Richard Carlson, Esq., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Approx. 1,500 feet east of Cleary Rd. on the south side of Wilson Rd. (**WILSON ROAD REZONING**).

Pages 36-46

Size: 5.2 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to voluntary commitments.

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 Residential Transitional Zoning District.

- 12. **DOA1986-131A** Title: Resolution approving a Development Order Amendment petition of Florida Power & Light. Request: To add land area and reconfigure site plan. General Location: Approx. 1.5 mile north of Southern Blvd. and 3 miles west of Seminole Pratt Whitney Rd. (**FPL CORBETT SUBSTATION**).

Pages 47-60

Size: 48.6 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: This request meets Comprehensive Plan and ULDC criteria to permit this non-residential use in a residential area.

MOTION: To adopt a resolution approving the request to add land area and reconfigure site plan.

13. **CA2001-077** Title: Resolution approving a Class A Conditional Use petition of James K. Johnson, by CM Design Group, Inc., Agent. Request: To allow a general daycare. General Location: SWC of 92nd Ln. N. and Seminole Pratt Whitney Rd. (**PLANET KIDS IX**).

Pages 61-79

Size: 2.02 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 to allow a general daycare.

14. **DOA1989-115E** Title: Resolution approving a Development Order Amendment petition of Hypoluxo South, Inc., by Ruden McClosky, Agent. Request: To modify/delete conditions of approval. General Location: Approx. 2450 feet south of Hypoluxo Rd. on the west side of Military Tr. (**MILITARY 10 MUPD**).

Pages 80-101

Size: 10.13 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 to modify/delete conditions of approval.

15. **Z2003-057** Title: Resolution approving an Official Zoning Map Amendment petition of Garrett Bender & Mitch & Teri Gevinson, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ). General Location: NWC of Barwick Rd. and Ridgewood Rd. (**BARWICK ROAD PROPERTY**).

Pages 102-117B

Size: 8 acres ±

BCC District: 4

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 Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

16. **DOA1978-283B** Title: Resolution approving a Development Order Amendment petition of CVS 2966 FL LLC, by Design Tech, Agent. Request: To modify/delete a condition of approval and reconfigure site plan to allow a financial institution. General Location: SEC of Jog Rd. and W. Atlantic Ave. (**RBC CENTURA BANK AT CVS**).

Pages 118-140

Size: 2.66 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 to modify/delete a condition of approval and reconfigure site plan to allow a financial institution.

C. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT

17. **SR 80-211B.9** Status report for Resolution 90-51 (Petition 1980-211B) the petition of Military Trail Bakery Center. Property owner: Joyce A. Kjellgren. General Location: Approx. 0.2 mile south of Melaleuca Ln. on the east side of Military Tr. Current zoning: General Commercial with a Special Exception to permit a wholesale bakery (**MILITARY TRAIL BAKERY CENTER**).

Pages 141-144

Size: 1.3 acres ±

BCC District: 3

MOTION: To adopt a resolution to revoke Resolution No. R-90-51, the Special Exception which permits a wholesale bakery, and Resolution No. R-93-177, a Development Order Amendment which amended conditions of approval.

18. **SR 1986-062B.3** Status report for Resolutions R-97-8 and R-02002-0293 (Petition 1986-062B), the petition of M. Trail, Inc. Property owner: Howell Garolsky and Doree Garolsky. General Location: Approx. 0.25 mile south of Cresthaven Blvd. on the west side of Military Tr. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development and a requested use for a self-storage facility and vehicle rental (**MATTHEWS MINI STORAGE**).

Pages 145-148

Size: 3.94 acres ±

BCC District: 2

MOTION: To adopt a resolution to revoke Resolution R-97-8, a Development Order Amendment for a self-storage facility and vehicle rental (requested uses), and R-2002-0293, a Development Order Amendment which amended conditions of approval.

19. **SR 1995-106.2** Status Report for Resolution R-96-1355 (Petition 1995-106), the petition of Callery-Judge Groves. Property owner: FWI 20 LLC, Outparcel LLC, and Mobil Oil Corp. General Location: NEC of Seminole Pratt-Whitney Rd. and Persimmon St. Current zoning: Multiple Use Planned Development (MUPD) (**THE GROVE MARKET**).

Pages 149-152

Size: 9.98 acres ±

BCC District: 6

MOTION: To approve a time extension until December 10, 2005, for Resolution R-96-1355.

20. **SR 1996-089.3** Status report for Resolution R-97-15 (Petition 1996-089), the petition of Sprint Spectrum L.P. Property owner: Stanley T. Vorsteg II Tr. General Location: Approx. 500 feet south of Okeechobee Blvd. on the west side of Folsom Rd. Current zoning: Agricultural Residential with a Class A Conditional Use to allow a commercial communication tower (150 feet) (**FOLSOM ROAD TOWER**).

Pages 153-156

Size: 10.0 acres ±

BCC District: 6

MOTION: To adopt a resolution to revoke Resolution R-97-15, the resolution which approved a Class A Conditional Use to allow a commercial communication tower (150 feet).

D. STATUS REPORTS – CONSENT

21. **SR 1978-231A.2** Status report for Resolution 98-2034 (Petition 1978-231A), the petition of Wash Depot VII, Inc. Property owner: Wash Depot VII, Inc. General Location: Approx. 1550 ft. north of Forest Hill Blvd. on the east side of Military Tr. Current zoning: General Commercial with a Class A Conditional Use to allow repair and maintenance, general (quick lube) (**WASH DEPOT VII**).

Pages 157-160

Size: 1.26 acres ±

BCC District: 2

MOTION: To adopt a resolution to revoke Resolution R-98-2034, the Class A Conditional Use which allows repair and maintenance, general (quick lube).

22. **SR 1999-029** Status Report for Resolution R-2000-0120 (Petition 1999-029), the petition of Monadylina Properties, Inc. Property owner: BDG Delray. General Location: SWC of SR7/US 441 and West Atlantic Ave. Current zoning: Agricultural Reserve with a Class A Conditional Use to allow a convenience store with gas sales and expansion of indoor entertainment and office use. (**STOP & SHOP**).

Pages 161-164

Size: 5.11 acres ±

BCC District: 5

MOTION: To adopt a resolution to amend conditions of approval (site plan) in Resolution R-2000-0120, and approve a time extension until January 27, 2006, for Resolution R-2000-0120.

- 23. **SR 2000-069** Status Report for Resolution R-2001-0005 (Petition 2000-069), the petition of Linh T. Mai. Property owner: Linh T. Mai. General Location: Approx. 300 ft. west of Military Tr. on the south side of Elmhurst Rd. Current zoning: Community Commercial (**ORIENTAL MARKET**).

Pages 165-167

Size: 0.23 acre ±

BCC District: 6

MOTION: To approve a time extension until January 4, 2006, for Resolution R-2001-0005.

- 24. **CR 2002-027** Status Report for Resolution R-2003-0103 (Petition 2002-027), the petition of Lance Uhley, Tr. Property owner: Lance S. Uhley, Tr. General Location: West side of SR 7/US441, 400 feet north of Lantana Rd. Current zoning: Multiple Use Planned Development (**US 441 LAND TRUST MUPD**).

Pages 168-171

Size: 11.35 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-2003-0103.

E. CORRECTIVE RESOLUTIONS

- 25. **DOA1976-007E**

Corrective Resolution: To correct Condition Y.1 of Exhibit C of Resolution R-2002-2207. (**OKEECHOBEE BLVD MUPD**)

Pages 172-173

BCC District : 2

MOTION: To adopt a resolution to correct Condition Y.1 of Exhibit C of Resolution R-2002-2207.

- 26. **CA1984-094A**

Corrective Resolution: To correct Condition K.3 of Exhibit C of Resolution R-2002-1235. (**OKEECHOBEE MOBILE**)

Page 174

BCC District: 2

MOTION: To adopt a resolution to correct Condition K.3 of Exhibit C of Resolution R-2002-1235.

F. ADMINISTRATIVE INQUIRY – PREM

- 27. **AI-2004-01** Countryside Meadows PUD – Petition 2003-035 – Civic Site Cash Out

Pages 175-177

– END OF CONSENT AGENDA –

- START OF REGULAR AGENDA -

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED STATUS REPORTS

28. **CR 1999-084B1** Status report for Resolution R-2000-0581 (Petition 1999-084), the petition of Apostolic Ministries International. Property owner: Apostolic International Ministries, Inc. General Location: Approx. 900 feet east of "E" Rd. on the north side of Okeechobee Blvd. Current zoning: Agricultural Residential with a Class A Conditional Use to allow a church (**JESUS OUR SAVIOR CHURCH**).

Pages 178-181

Size: 4.87 acres ±

BCC District: 6

MOTION: To adopt a resolution to revoke Resolution No. R-2000-0581, the Class A Conditional Use which allows a church.

C. PREVIOUSLY POSTPONED ZONING PETITION

29. **DOA1996-004C** Title: Resolution approving a Development Order Amendment petition of Lake Worth Self-Storage Ltd. Partnership, by Gentile, Holloway, O'Mahoney & Assoc., Agent. Request: To reconfigure site plan, add square footage, redesignate retail to a self service storage facility, and modify/delete conditions of approval. General Location: Approx. 525 ft. west of Florida's Turnpike on the north side of Lake Worth Rd. (**LAKE WORTH SELF STORAGE**).

Pages 182-215

Size: 17.28 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to reconfigure site plan, add square footage, redesignate retail to a self service storage facility, and modify/delete conditions of approval.

D. ZONING PETITIONS

30. **Z/CA2003-047** Title: Resolution approving an Official Zoning Map Amendment petition of Clyde Moore Revocable Living Trust, by ZPR, Agent. Request: Rezoning from the Residential Multifamily (RM) Zoning District to the General Commercial (CG) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Clyde Moore Revocable Living Trust, by ZPR, Agent. Request: To allow an office/warehouse. General Location: NWC of Westgate Ave. and Indian Rd. (**INDIAN ROAD OFFICE/COMMERCIAL**).

Pages 216-235

Size: 2.16 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 a rezoning from the Residential Multifamily Zoning District to the General Commercial Zoning District.

MOTION: To adopt a resolution approving the request to allow an office/warehouse.

5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

B. PLANNING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT