

29. **DOA/TDR
2007-1398** Execute a deed conveying 35 Development Rights units to Aspen Square LLC as authorized in Resolution No. R-2008-277 which approved the purchase of 35 Development Rights from the County's TDR Bank at a cost of \$1.00 per unit and the designation of the Aspen Square PUD as a TDR Receiving Area for those units. (**ASPEN SQUARE PUD**) (Control 2003-085)

BCC District: 5

LOCATION: Approximately 0.50 mile south of Lake Ida Road on the west side of Sims Road

MOTION: To execute a deed conveying 35 Development Rights units Aspen Square LLC as authorized in Resolution No. R-2008-277.

CORRECTIVE RESOLUTION

30. Corrective Resolution: To correct the legal description of Exhibit B for Resolutions R-2008-276 and R-2008-277. (**ASPEN SQUARE PUD**) (DOA/TDR2007-1398 Control 2003-085)

BCC District: 5

MOTION: To adopt a resolution to correct the legal description of Exhibit B for Resolutions R-2008-276 and R-2008-277.

Addie L. Greene, Chairperson
Jeff Koons, Vice Chair
Karen T. Marcus
Robert J. Kanjian
Mary McCarty
Burt Aaronson
Jess R. Santamaria



Robert Weisman
Department of Planning, Zoning & Building
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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AGENDA INDEX

MARCH 24, 2008

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/REMANDS (Pages 1-5)

3. CONSENT AGENDA (Pages 6-8)

- o Staff
- o Board
- o Public

4. REGULAR AGENDA (Pages 9-11)

5. DIRECTOR COMMENTS (Page 12)

6. COMMISSIONER COMMENTS (Page 12)

7. ADJOURNMENT (Page 12)

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

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

MARCH 24, 2008

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. **CA2007-205** Title: Resolution approving a Class A Conditional Use application of Florida Rock Industries, Inc., U S Sugar Corp., by Casey, Ciklin, Lubitz, Agent. Request: To allow a Type IIIB Excavation. General Location: Approximately 4 miles south of Lake Okeechobee and 3 miles west of US Highway 27. **(LAKE HARBOR QUARRY)** (Control 2007-054)

N/A

Project Manager- Douglas Robinson

Size: 7351.24 acres ±
Affected area 640.0 acres ±

BCC District: 6

MOTION: None required. Postponed to April 24, 2008.

- 2. **Z/DOA/CA2007-1185** Title: Resolution approving An Official Zoning Map Amendment application of Winners Church International, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Estate (RE) Zoning District. Title: Resolution approving a Development Order Amendment application of Winners Church International, by Land Research Management, Inc., Agent. Request: To reconfigure site plan, add land area and add building square footage. Title: Resolution approving a Class A Conditional Use application of Winners Church International, by Land Research Management, Inc., Agent. Request: To allow a daycare, general. General Location: Southwest corner of Jog Road and Pioneer Road. **(WINNERS CHURCH)** (Control 1985-072)

N/A

Project Manager- Ora Owensby

Size: 16.04 acres ±

BCC District: 6

MOTION: None required. Postponed to April 24, 2008.

3. **DOA2007-1590** Title: Resolution approving a Development Order Amendment application of Square Lake North Dev Company, Inc., by Gentile, Holloway, O'Mahoney & Assoc, Agent. Request: To modify a condition of approval (use limitation). General Location: Northeast corner of Square Lake and Military Trail. **(SQUARE LAKE NORTH)** (Control 2001-043)

N/A

Project Manager- Autumn Sorrow

Size: 2.92 acres ±

BCC District: 1

MOTION: None required. Postponed to April 24, 2008.

4. **PDD/R2007-1592** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District (PDD) application of Paul Thomas, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to Recreational Vehicle Planned Development (RVPD) District. Title: Resolution approving a Requested Use application of Paul Thomas, by Kilday & Associates, Inc., Agent. Request: To allow a Water/Waste Water Treatment plant. General Location: Approximately one mile west of Jupiter Farms Road on the North side of Indiantown Road. **(JUPITER RV RESORT RVPD)** (Control 2006-185)

N/A

Project Manager- Ora Owensby

Size: 17.91 acres ±

BCC District: 1

MOTION: None required. Postponed to April 24, 2008.

5. **CA2007-1199** Title: Resolution approving a Class A Conditional Use application of Bergeron Sand, Rock & Aggregates, Inc., by Jon E Schmidt & Associates, Agent. Request: To allow a TYPE IIIB excavation. General Location: Approximately 6.56 miles south of CR-827 on the west side of US Highway 27. **(BERGERON SAND ROCK AND AGGREGATE EXPANSION)** (Control 1978-099)

N/A

Project Manager- Douglas Robinson

Size: 552.97 acres ±

BCC District: 6

MOTION: None required. Postponed to April 24, 2008.

6. **Z/CA2006-1912** Title: Resolution approving an Official Zoning Map Amendment application of No Big Deal, LLC, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the Residential Estate (RE) Zoning District to the Agricultural Residential (AR) Zoning District. Title: Resolution approving a Class A Conditional Use application of No Big Deal, LLC, by Jon E Schmidt & Associates, Agent. Request: To allow a daycare, general. General Location: Southwest corner of Indiantown Road and 130th Avenue North. **(PLANET KIDS XVI)** (Control 1979-256)

N/A

Project Manager- Anthony Wint

Size: 9.18 acres ±

BCC District: 1

MOTION: None required. Postponed to April 24, 2008.

7. **PDD/DOA/W2007-884** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District (PDD) application of Boynton Beach Associates, XIX, LLLP, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Residential Planned Unit Development (AGR-PUD) Zoning District. Title: Resolution approving a Development Order Amendment application of Boynton Beach Associates, XIX, LLLP, by Kilday & Associates, Inc., Agent. Request: To add land area, reconfigure the master plan, restart the development clock, add units, and to allow a model row. Title: Resolution approving a Waiver application of Boynton Beach Associates, XIX, LLLP, by Kilday & Associates, Inc., Agent. Request: To allow more than 40% of the local streets to terminate in dead-ends or cul-de-sacs. General Location: Development Area - Southwest corner of Boynton Beach Boulevard and Lyons Road. **(LYONS WEST AGR-PUD)** (Control 2005-003)

N/A

Project Manager- Ora Owensby

Size: 1080.49 acres ±

BCC District: 3 & 5

MOTION: None required. Postponed to April 24, 2008.

8. **DOA2007-1417** Title: Resolution approving a Development Order Amendment application of Realty Duke, by Miller Land Planning, Agent. Request: To reduce square footage, modify/delete conditions of approval, reconfigure site plan, and change uses. General Location: Approximately 1 mile south of Okeechobee Boulevard 800 feet west of Jog Road. **(JOG COMMERCE PARK)** (Control 2005-460)

N/A

Project Manager- Carrie Rechenmacher

Size: 12.02 acres ±

BCC District: 2

MOTION: None required. Postponed to April 24, 2008.

9. **DOA2007-845** Title: Resolution approving a Type II Zoning Variance application of Covenant Centre, Inc., by Land Design South, Inc., Agent. Request: To allow less than the required 30% pervious area. Title: Resolution approving a Development Order Amendment application of Covenant Centre, Inc., by Land Design South, Inc., Agent. Request: To delete land area. General Location: Northwest corner of Roan Lane and Northlake Boulevard. (**PALM BEACH CATHEDRAL**) (Control 1974-083)

Page 1

Project Manager- Douglas Robinson

Size: 3.48 acres ±

BCC District: 1

MOTION: None required. By right postponement to April 24, 2008.

10. **SCA 2007-041** Northlake Roan Commercial, by Jeffrey Brophy, Land Design South, Covenant Center, LLC and Cherry Road Plaza, LLC. Small Scale Land Use Amendment (SCA): Amend land use to change the future land use designation for a 3.06 acres parcel from High Residential, 12 units per acre (HR-12) to Commercial High (CH). General Location: Approximately 200 feet north of the northwest corner of Northlake Boulevard and Roan Lane. (**NORTHLAKE ROAN COMMERCIAL A.K.A. NORTHLAKE VALUE PLACE HOTEL**)

Page 2

Size: 3.06 acres ±

BCC District: 1

MOTION: None required. By right postponement to April 24, 2008.

11. **Z2007-846** Title: Resolution approving An Official Zoning Map Amendment. application of Value Place Hotels - Butch Nuss, by Land Design South, Inc., Agent. Request: Rezoning from the Multi-family Residential (RM) Zoning District to the General Commercial (CG) Zoning District. General Location: Approximately 200 feet north of the northwest corner of Northlake Boulevard and Roan Lane. (**NORTHLAKE VALUE PLACE HOTEL**) (Control 2007-259)

Page 3

Project Manager- Sandra Gonzalez

Size: 3.06 acres ±

BCC District: 1

MOTION: None required. By right postponement to April 24, 2008.

12. **SR 1991-042A** Status Report for Resolutions R-2004-1373 and R-2004-1374 (Control #1991-042A), the application of Faith United Methodist Church of Boynton Beach, FL. Property owner: Faith United Methodist Church of Boynton Beach of Florida, Inc. General Location: Approximately 0.25 mile east of Jog Road on the south side of Boynton Beach Boulevard. Zoning District: Residential Single Family with a Special Exception to allow a church, accessory buildings and structures and day care center. **(FAITH UNITED METHODIST CHURCH)**

Pages 4-9

Project Manager: John Pancoast

Size: 10.18 acres ±

BCC District: 5

MOTION: To postpone to April 24, 2008 (Requested by owner)

13. **PDD2006-1682** Title: Resolution approving Official Zoning Map Amendment to a Planned Development District application of W & W IX LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Southeast corner of 112th Terrace and Northlake Boulevard. **(112TH/NORTHLAKE OFFICE)** (Control 2006-529)

N/A

Project Manager-Joyce Lawrence

Size: 10.80 acres ±

BCC District: 6

MOTION: None required. Postponed to May 22, 2008.

B. WITHDRAWALS

C. REMANDS

14. **PDD/TDR/R2007-1407** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of SRR Holdings, LLC, by Miller Land Planning, Agent. Request: Rezoning from the Residential Transitional (RT) and the Community Commercial (CC) Zoning Districts to the Multiple Use Planned Development (MUPD) District. Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of SRR Holdings, LLC, by Miller Land Planning, Agent. Request: To allow the Transfer of Development Rights for 18 units and designate this site as the receiving area. Title: Resolution approving a Requested Use application of SRR Holdings, LLC, by Miller Land Planning, Agent. Request: To allow a Type III Congregate Living Facility. General Location: The west side of SR7/US441 approximately 1/4 mile north of Lantana Road. **(CARLYLE CLF)** (Control 2005-454)

Pages N/A

Project Manager- Ron Sullivan

Size: 10.22 acres ±

BCC District: 3

MOTION: None required. Remanded to April 9, 2008 Development Review Officer.

-END OF POSTPONEMENTS/WITHDRAWALS/REMANDS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. PREVIOUSLY POSTPONED STATUS REPORTS

- 15. **SR 1983-078B** Status Report for Resolution R-2002-2197 (Control #1983-078B), the application of West Boca Presbyterian Church. Property owner: West Boca Presbyterian Church, Inc. General Location: Approximately 0.25 mile south of Palmetto Park Road on the east side of Hammock Street. Zoning District: Residential Single Family with a Special Exception to allow a church with accessory buildings and structures. **(WEST BOCA PRESBYTERIAN CHURCH)**

Pages 10-15

Project Manager: John Pancoast

Size: 6.0 acre ±

BCC District: 5

MOTION: To adopt a resolution to revoke the Development Order Amendment approved by Resolution R-2002-2197.

D. STATUS REPORTS

- 16. **CR 1993-029(A)** Status Report for Resolution R-2004-2273 (Control #1993-029A), the application of Robert C. Malt & Company. Property owner: Robert C. Malt & Company. General Location: Northwest corner of Military Trail and Orleans Court. Zoning District: General Commercial with a Conditional Overlay Zone. **(ORLEANS COURT COMMERCIAL)**

Pages 16-20

Project Manager: John Pancoast

Size: 1.01 acres ±

BCC District: 6

MOTION: To approve a time extension until January 1, 2009 to comply with Condition E.6 of Resolution R-2004-2273.

E. ZONING APPLICATIONS

17. **ABN/PDD/R2007-878** Title: Resolution approving A Development Order Abandonment application of Sojo, LLC, by Jon E Schmidt & Associates, Agent. Request: To abandon the Class A Conditional Use granted under R-2003-0117. Title: Resolution approving An Official Zoning Map amendment to a Planned Development District application of Sojo, LLC, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. Title: Resolution approving a Requested Use application of Sojo, LLC, by Jon E Schmidt & Associates, Agent. Request: To allow a Convenience Store with Gas Sales and to allow a Type I Restaurant; and to amend a Condition of Approval (Building & Site Design). General Location: Northeast corner of Jog Road and Southern Boulevard. (**HOLLOWAY PROPERTIES MUPD**) (Control 2002-032)

Pages 21-49
 Conditions of Approval (41) Pages 37-43
 Project Manager- Joyce Lawrence

Size: 5.50 acres ± BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the General Commercial Zoning District to the Multiple Use Planned Development Zoning District.

MOTION: To adopt a resolution approving a Requested Use to allow a Convenience Store with Gas Sales and to allow a Type I Restaurant.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the Class A Conditional Use granted under R-2003-0117.

18. **PDD2007-890** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of East Group Properties, LP, by Jon E Schmidt & Associates, Agent. Request: Rezoning from the Industrial Light (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Central Industrial Drive, approximately 0.6 miles north of Blue Heron Boulevard. (**EAST GROUP INDUSTRIAL**) (Control 2007-277)

Pages 50-72
 Conditions of Approval (12) Pages 67-68
 Project Manager- Carol Glasser

Size: 7.86 acres ± BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Industrial Light Zoning District to the Multiple Use Planned Development Zoning District.

19. **DOA/R2007-1774** Title: Resolution approving a Development Order Amendment application of New Country, by Gary M. Brandenburg and Associates, Agent. Request: To add square footage (2,500 sf) and reconfigure site plan. Title: Resolution approving a Requested Use application of New Country, by Gary M. Brandenburg and Associates, Agent. Request: To allow Vehicle Sales/Rental. General Location: Southside of Okeechobee Blvd near the intersection with Palm Beach Lakes Blvd. **(SMART CAR DEALERSHIP)** (Control 1983-161)

Pages 73-105

Conditions of Approval (74) Pages 87-101

Project Manager- Douglas Robinson

Size: 11.99 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to add square footage (2,500 sf) and reconfigure site plan.

MOTION: To adopt a resolution approving a Requested Use to allow Vehicle Sales/Rental.

F. CORRECTIVE RESOLUTIONS

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. STATUS REPORTS

20. **SR 1988-072B.2** Status Report for Resolution R-2001-1363 and 2001-1364 (Control #1988-072(B)), the application of Sohio Oil and Ann Throgmorton. Property owner: BP Products North America, Inc. General Location: Southwest corner of Military Trail and Hypoluxo Road. Zoning District: Community Commercial with a Class A Conditional Use to allow a convenience store with gas sales. **(BP AMOCO)**

Pages 106-111

Project Manager: John Pancoast

Size: 1.51 acres ±

BCC District: 3

MOTION: To approve a time extension until January 20, 2010 for Resolutions R-2001-1363 and 2001-1364.

21. **SR 2000-055.2** Status Report for Resolution R-2000-1566 (Control #2000-055), the application of James Fleagane. Property owner: Pricare Properites, LC. General Location: Approximately 3,200 feet south of Northlake Boulevard on the west side of Military Trail. Zoning District: Community Commercial. **(SQUARE LAKE OFFICE BUILDING)**

Pages 112-116

Project Manager: John Pancoast

Size: 1.19 acres ±

BCC District: 1

MOTION: To approve a time extension until December 28, 2009 for Resolution R-2000-1566.

22. **SR 2000-069.3** Status Report for Resolution R-2001-0005 (Control #2000-069), the application of Linh T. Mai. Property owner: Linh Athmer. General Location: Approximately 300 ft. west of Military Trail on the south side of Elmhurst Road. Zoning District: Community Commercial. **(ORIENTAL MARKET)**

Pages 117-121

Project Manager: John Pancoast

Size: 0.23 acre ±

BCC District: 6

MOTION: To approve a time extension until January 4, 2010 for Resolution R-2001-005.

23. **CR 1996-031** Status Report for Resolution(s) R-1999-520 (Control #1996-031(A)), the application of Z.E. Taheri & MDL Realty Co.. Property owner: Home Dynamics PBC LLC. General Location: Approximately 0.1 mile south of Belvedere Road on the east side of Jog Rd. Zoning District: Planned Unit Development. **(TAHERI PUD)**

Pages 122-126

Project Manager: John Pancoast

Size: 91.75 acres ±

BCC District: 6

MOTION: To direct Code Enforcement to cite property owner for failure to comply with Condition E.6 of Resolution R-1999-520.

D. PREVIOUSLY POSTPONED ZONING APPLICATION

24. **CA2006-1930** Title: Resolution approving a Class A Conditional Use application of King Ranch, Inc., by Greenberg Traurig, PA, Agent. Request: To allow a Type III B Excavation. General Location: Approximately 10 miles south of Belle Glade on the east side of SR827. **(SOUTH BAY QUARRY)** (Control 2006-554)

Pages 127-178

Conditions of Approval (36) Pages 154-160

Project Manager – Carrie Rechenmacher

Size: 3773.42 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying a Class A Conditional Use to allow a Type III B Excavation.

E. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATION

- 25. **SCA-2007-040** Lantana/Lyons Commercial, by Brian Chegus and Jan Polson/W & W XXIV, LLC. Small Scale Land Use Amendment (SCA): Amend land use to change the future land use designation for a 2.25 acre parcel from Low Residential, two units per acre (LR-2) to Commercial Low with underlying two dwelling units per acre (CL/2) for approximately 1.506 acre and to Commercial Low with Crosshatching with underlying two dwelling units per acre (CLX/2) for approximately 0.744 acres. General Location: Approximately 1,400 feet east of Lyons Road on the south side of Lantana Road. (**LANTANA/LYONS COMMERCIAL A.K.A. MERCHANTS WALK**)

Pages 179-214

Size: 2.25 acres ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from LR-2 to CL/2 (1.506 acres) & CLX/2 (0.744 acres).

LPA Recommendation: Recommended Denial of the requested future land use change from LR-2 to CL/2 (9-1 vote) at the September 7, 2007 public hearing.

MOTION: To approve an ordinance to approve the proposed amendment from LR-2 to CL/2 & CLX/2.

- 26. **PDD2007-848** Title: Resolution approving An Official Zoning Map Amendment to a Planned Development District application of W & W XXIV, LLC, by Cotleur & Hearing, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District. General Location: Approximately 1,400 feet east of Lyons Road on the south side of Lantana Road. (**MERCHANTS WALK**) (Control 2004-354)

Pages 215-242

Conditions of Approval (26) Pages 234-238

Project Manager- Joyce Lawrence

Size: 4.82 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

DISCLOSURE

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential and the General Commercial Zoning Districts to the Multiple Use Planned Development Zoning District.

5. DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

27. TDR Annual Report 2006-2007
(Postponed by Zoning Director 30 days to the April 24, 2008 BCC Hearing)

C. PLANNING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT