

Board of County Commissioners

Tony Masilotti, Chairman
Addie L. Greene, Vice Chairperson
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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

OCTOBER 26, 2006

<u>AGENDA ITEM #</u>	<u>APPLICATION/CHANGE</u>
<u>PAGE #</u>	

AMENDMENTS TO THE AGENDA

16 Page 89	TDR CONTRACT AND ESCROW AGREEMENT FOR DRO 2006-1292 – LAKE POINT
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Amend motions to read as follows:

MOTION: To approve a contract for the sale and purchase of 2 development rights at a purchase price of \$50,000 for first unit and \$1.00 for the second unit for a total price of ~~\$501,000.00~~ 50,001.00.

MOTION: To approve an escrow agreement for 2 development rights at a purchase price of \$50,000 for first unit and \$1.00 for the second unit for a total price of ~~\$501,000.00~~ 50,001.00.

18.	ULDC AMENDMENTS – TRAFFIC PERFORMANCE STANDARDS AMEND EXHIBIT A, PROPORTIONATE FAIR SHARE PROGRAM, AS FOLLOWS:
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Page 103	Lines 1 and 2: Part 1. ULDC, Art. 12, Traffic Performance Standards (page 38 of 38), is hereby amended to add a new Chapter <u>R Q</u> , Proportionate Fair-Share Program, as follows:
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Page 103	Line 5: <u>CHAPTER QR__PROPORTIONATE FAIR-SHARE PROGRAM</u>
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Page 103	Line 50: <u>...the applicant within 30 90 days of receipt of the written notification, then the application will be...</u>
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Page 103	Lines 56 and 57: E. <u>When an application is deemed sufficient, complete, and approved pursuant to ULDC Art. 12.B, Standard eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared ...</u>
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Lines 11 thru 14: C. Pursuant to § 163.3180(16) F.S The methodology used to calculate a Project’s proportionate fair-share obligation shall be as provided for in §163.3180(12), F.S., as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS. For purposes of this subsection, construction shall include all costs associated with the improvement. The methodology expressed as a mathematical equation is as follows:

OR

Proportionate Fair-Share=Σ [(Development Trips_i)/(SV Increase_i)] x Cost_i]

Where: Σ = Sum of all deficient links proposed for proportionate fair-share mitigation for a project.

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment “i” and have triggered a deficiency per TPS;

SV Increase = Service volume increase provided by the eligible improvement to roadway segment “i” per Section 3;

Cost_i = Adjusted cost of the improvement to segment “i”. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred.

Line 21: ...improvements be completed concurrent with development of the Project, before issuance of certificate of occupancy.

Line 44: ...development pursuant to the requirements of Section Article 12.R.3.B.2.

Exhibit B, Article 12, Traffic Performance Standards, as follows:

Line 56: ...CMA Analysis. If these intersections exceed the 1400 1500 Critical Volume, these...

Line 40: ...considered. For purposes of this Section, a Traffic Concurrency Hall Pass Certificate and a TCEA approval shall be considered equivalent to a Concurrency Reservation. [Ord. 2005-002]

Lines 50 and 51: 42. TPS Database – for purposes of Art. 12, a database which shall be effective January 1, 2007 and was initially approved by the BCC on October 26, 2006. ...

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

OCTOBER 26, 2006

**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/REMANDS/WITHDRAWALS (Pages 1-3)**

- 3. CONSENT AGENDA (Pages 4-7)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 8-10)**

- 5. DIRECTOR COMMENTS (Page 10)**

- 6. COMMISSIONER COMMENTS (Page 10)**

- 7. ADJOURNMENT (Page 10)**

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**

OCTOBER 26, 2006

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/REMANDS/WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD/DOA2006-505** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development (PDD) District application of American Equities, Ltd., No 6, International Trade Center, LLC, by Broad and Cassel, Agent. Request: Rezoning from the Light Industrial (IL) Zoning District to the Planned Industrial Park Development (PIPD) District. Title: Resolution approving a Development Order Amendment application of American Equities, Ltd., No 6, International Trade Center, LLC, by Broad and Cassel, Agent. Request: To add land area (80 acres), reconfigure master plan, re-designate land uses, add access, and extend build out date. Request: Substantial Deviation Determination. General Location: North side of Beeline Highway and the east side of Seminole Pratt Whitney Road. (**FLORIDA RESEARCH PARK aka PALM BEACH PARK OF COMMERCE**). (Control 1981-190)

N/A

Size: 1,323.00 acres ±

BCC District: 1

MOTION: None required. (Postponed by the Zoning Commission to November 27, 2006)

2. **DOA/R2005-1321** Title: Resolution approving a Development Order Amendment application of Temple Beth El Of Boca Raton, Inc., by Land Design South, Inc., Agent. Request: To modify the master plan. Title: Resolution approving a Requested Use application of Temple Beth El Of Boca Raton, Inc., by Land Design South, Inc., Agent. Request: To allow a daycare, general and a school, elementary or secondary (private). General Location: Northwest corner of Cobblestone Way and Ponderosa Drive (**TEMPLE BETH EL**). (Control 1975-068)

N/A

Size: 6 acres ±

BCC District: 5

MOTION: None required. (Postponed by the Zoning Commission to January 4, 2006)

3. **SR 1998-077** Status Report for Resolution R-1999-0527 (Petition 1998-077), the petition of Herbert and Karl Kahlert. Property owner: Herbert F. Kahlert and Pace Petroleum Services, Inc. General Location: Northeast corner of Lake Worth Road and Lyons Road. Zoning District: Multiple Use Planned Development. (**VILLAGE CORNER MUPD**)

Pages 1-6

Size: 12.29 acres ±

BCC District: 6

MOTION: To postpone to November 27, 2006. (Requested by the Property Owner).

4. **SR 2003-015** Status Report for Resolution R-2003-1281 (Petition 2003-015), the petition of Strata Development Corp. Property owner: Hussein Haitham. General Location: Approximately 2,200 feet south of Lake Worth Road on the east side of SR 7/US 441. Zoning District: Residential Transitional with a Conditional Overlay Zone. (**9 ACRE STATE ROAD 7 PROPERTY**)

Pages 7-11

Size: 9.22 acres ±

BCC District: 6

MOTION: To postpone to November 27, 2006. (Requested by the Property Owner).

5. **SR 1993-006** Status Report for Resolutions R-93-649 and R-93-650 (Petition 1993-006), the petition of Siemens & Associates, Inc. Property owner: NME Hospitals, Inc. General Location: Southwest corner of Jog Road and Boynton Beach Boulevard. Zoning District: General Commercial with a Class A Conditional Use to allow a medical office. (**WEST BOYNTON MEDICAL BUILDING**)

Pages 12-16

Size: 6.67 acres ±

BCC District: 5

MOTION: To postpone to June 28, 2007. (Requested by the Property Owner).

B. REMANDS

6. **CA2005-1125** Title: Resolution approving a Class A Conditional Use application of Howell and Doree Garolsky, by Land Research Management, Inc., Agent. Request: To allow vehicle sales and rental and general repair and maintenance. General Location: Approximately 1 mile south of Forest Hill Boulevard on the west side of Military Trail **(THE BOAT CONNECTION)**. (Control 1986-062)

Page 17

Size: 3.94 acres ±

BCC District: 2

MOTION: To remand to the December 13, 2006 Development Review Officer meeting.

7. **Z/CA2006-503** Title: Resolution approving an Official Zoning Map Amendment application of Four Brothers Recycling, Inc., by Urban Land Consulting, 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 application of Four Brothers Recycling, Inc., by Urban Land Consulting, Agent. Request: To allow a salvage or junkyard. General Location: Approximately 850 feet north of Southern Boulevard on the west side of Benoist Farms Road. **(FOUR BROTHERS RECYCLING)** (Control 2003-039)

N/A

Size: 15.53 acres ±

BCC District: 6

MOTION: To remand to the December 13, 2006 Development Review Officer meeting.

C. WITHDRAWALS

- END OF POSTPONEMENTS/REMANDS/WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. ZONING APPLICATIONS

8. **DOA/W2005-1698** Title: Resolution approving a Development Order Amendment application of Boca Raton Associates, VI, LLLP, by Kilday & Associates, Inc., Agent. Request: To reconfigure the master plan to change housing type (single-family units to zero lot line units) and exceed the 30% maximum allowable transfer of density within the PUD. Title: Waiver. Request: To allow deviation from cul-de-sac or dead-end restrictions. General Location: Approximately 1.5 miles south of Atlantic Avenue, between the Florida Turnpike to the east and Lyons Road to the west. **(DUBOIS AGR PUD) (2004-250)**

Pages 18-50

Size: 722.64 acres ±

BCC District: 3 & 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the master plan to change housing type (single-family units to zero lot line units) and exceed the 30% maximum allowable transfer of density within the PUD.

MOTION: To adopt a resolution approving a Waiver to allow deviation from cul-de-sac or dead-end restrictions.

9. **Z2006-511** Title: Resolution approving an Official Zoning Map Amendment application of Palm Beach County. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) District. General Location: Approximately 1,100 feet north of Yamato Road on the west side of State Road 7/US441. **(WEST BOCA LIBRARY) (Control 2006-174)**

Pages 51-64

Size: 21.34 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to voluntary commitments

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

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Public Ownership District on first hearing, and convene a second public hearing on November 27, 2006 at 9:30 a.m.

D. STATUS REPORTS

- 10. **SR 1980-220A** Status Report for Resolution R-2003-1130 (Petition 1980-220A), the petition of Soldiers of the Cross. Property owner: Jeffrey Webb and Ethlyn Webb. General Location: Approximately 0.2 mile south of Lake Worth Road on the west side of Haverhill Road. Zoning District: Residential Medium Density with a Class A Conditional Use to allow a church or place of worship. **(SOLDIERS OF THE CROSS)**

Pages 65-70

Size: 1.52 acres ±

BCC District: 2

MOTION: To approve a time extension until 1) July 24, 2008, for Resolution R-2003-1130, and 2) January 1, 2008, for Condition E.3. of Resolution R-2003-1130.

- 11. **SR 2002-003** Status Report for Resolutions R-2002-1261 and R-2002-1262 (Petition 2002-003), the petition of Magdalene Carney Baha'i Institute, Inc. Property owner: Magdalene Carney Baha'i Institute, Inc. General Location: Approximately 0.5 mile east of Jog Road on the south side of Summit Boulevard. Zoning District: Residential Single Family with a Class A Conditional Use to allow a church or place of worship. **(BAHA'I INSTITUTE)**

Pages 71-75

Size: 4.61 acres ±

BCC District: 6

MOTION: To approve a time extension until July 25, 2008, for Resolutions R-2002-1261 and R-2002-1262.

- 12. **SR 2003-009** Status Report for Resolution R-2003-1123 (Petition 2003-009), the petition of God's Church of Faith. Property owner: God's Church of Faith, Inc. General Location: Approximately 0.5 mile south of Gun Club Road on the east side of Haverhill Road. Zoning District: Residential Medium Density with a Class A Conditional Use to allow a church or place of worship. **(GOD'S CHURCH OF FAITH)**

Pages 76-80

Size: 0.21 acres ±

BCC District: 2

MOTION: To approve a time extension until July 24, 2008, for Resolution R-2003-1123.

E. ABANDONMENTS

13. **ABN2005-1235** Request: To revoke Resolution R-1996-0130 which approved a Class A Conditional Use to allow a retail and wholesale nursery. (Control 1995-021) (**TROPICAL WORLD NURSERY**)

Pages 81-83

BCC District: 5

MOTION: To adopt a resolution approving the abandonment of Resolution R-1996-0130.

F. CORRECTIVE RESOLUTIONS

14. Corrective Resolution: To correct Engineering Condition 5 in Exhibit C of Resolution R-2006-1548. (**ALLIE POLO ESTATES PUD**) (PDD2006-024 CONTROL NO. 2005-422)

Pages 84-85

BCC District: 6

MOTION: To correct Engineering Condition 5 in Exhibit C of Resolution R-2006-1548.

G. ADMINISTRATIVE INQUIRY

15. AI-2006-02 – Application 2004-227 –The Royal Palm Polo PUD Civic Site Cash-Out

Pages 86-88

H. TDR CONTRACT, ESCROW AGREEMENT AND DEED

16. **DRO 2006-1292** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Lantana Ventures for the sale and purchase of 2 Transfer of Development Right (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$50,000 for first unit and \$1.00 for the second unit as approved by the Palm Beach County, Zoning Division, Development Review Officer. Request: Approve an escrow agreement between Palm Beach County, Lantana Ventures and Northern Trust, (escrow agent) for the sale and purchase of 2 TDR units from the Palm Beach County TDR Bank at a purchase price of \$50,000 for first unit and \$1.00 for the second unit, as approved by the Palm Beach County, Zoning Division, Development Review Officer. (**LAKE POINT**) (Control 2005-370)

Pages 89-96

BCC District: 3

LOCATION: Southeast corner of Congress Avenue and Donnelly Drive.

MOTION: To approve a contract for the sale and purchase of 2 development rights at a purchase price of \$50,000 for first unit and \$1.00 for the second unit for a total price of \$501,000.00.

MOTION: To approve an escrow agreement for 2 development rights at a purchase price of \$50,000 for first unit and \$1.00 for the second unit for a total price of \$501,000.00

17. **DRO 2006-1292** Execute a deed conveying 2 Development Rights units to Lantana Ventures as authorized by Palm Beach County, Zoning Division, Development Review Officer which approved the purchase of 2 Development Rights from the County's TDR Bank at a cost of \$50,000 for first unit and \$1.00 for the second unit per unit and the designation of the Lake Point as a TDR Receiving Area for those units. (**LAKE POINT**) (Control 2005-370)

Pages 97-98

BCC District: 3

LOCATION: Southeast corner of Congress Avenue and Donnelly Drive.

MOTION: To execute a deed conveying 2 Development Right units to Lantana Ventures, as authorized by Palm Beach County, Zoning Division, Development Review Officer.

– 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.18. **ULDC AMENDMENTS – TRAFFIC PERFORMANCE STANDARDS**

Pages 99-112

MOTION: STAFF RECOMMENDS A MOTION TO ADOPT: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, REPLACING TRAFFIC PERFORMANCE STANDARDS TEST 2 TRAFFIC MODEL ANALYSIS WITH A FIVE-YEAR STANDARD, AMENDING REGULATIONS RELATING TO THE RADIUS OF DEVELOPMENT INFLUENCE, AND ESTABLISHING THE PROPORTIONATE FAIR-SHARE PROGRAM, AS FOLLOWS: AMENDING **ARTICLE 1**, CHAPTER I - DEFINITIONS; AMENDING **ARTICLE 12** - TRAFFIC PERFORMANCE STANDARDS, CHAPTER B - STANDARDS AND CHAPTER C - TRAFFIC IMPACT STUDIES; DELETING CHAPTER D - MODELING OF TRIPS; CREATING CHAPTER Q - PROPORTIONATE FAIR-SHARE PROGRAM; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

D. PREVIOUSLY POSTPONED STATUS REPORTS

19. **SR 81-233.7** Status Report for Resolutions R-82-151 and R-82-152 (Petition 1981-233), the petition of Crouch-Palermo Florida Inc. Property owner: Vietnamese Catholic Association of Palm Beach, Inc. General Location: Southwest corner of Florida's Turnpike and Lantana Road. Zoning District: Residential Transitional with a Special Exception to allow a Planned Unit Development, including an on-site water and sewage treatment facility and excavation. (**BALMORAL PUD**)

Pages 113-118

Size: 5.24 acres of a 271 acre PUD ±

BCC District: 3

MOTION: To approve a time extension until June 13, 2008, for Resolutions R-82-151 and R-82-152.

E. STATUS REPORTS

20. **SR 1977-133G.4** Status Report for Resolution R-1998-876 (Petition 1977-133G), the petition of Cross County Associates. Property owner: Cross County Associates Ltd. Partnership. General Location: Southeast corner of Military Trail and Okeechobee Boulevard on the north side of Westgate Avenue. Zoning District: Multiple Use Planned Development. (**CROSS COUNTY MALL**)

Pages 119-124

Size: 43.05 acres ±

BCC District: 2

MOTION: To approve a time extension until July 24, 2008, for Resolution R-1998-876.

21. **SR 1981-024A.3** Status Report for Resolution R-1999-1215 (Petition 1981-024A), the petition of Florida Gardens Land Development Co. Property owner: MD Lake Worth LLC. General Location: Southwest corner of Lake Worth Road and Ohio Road. Zoning District: Community Commercial with a Conditional Overlay Zone. (**KEY CENTERS COMMERCIAL**)

Pages 125-130

Size: 1.7 acres ±

BCC District: 2

MOTION: To approve a time extension until July 22, 2008, for Resolution R-1999-1215.

22. **SR 1998-090.3** Status Report for Resolutions R-1999-1217 and R-1999-1218 (Petition 1998-090), the petition of C/O Iron City Sash & Door Co. Property owner: Southeastern Conference. General Location: Approximately 800 feet south of Coconut Lane on the east side of Military Trail. Zoning District: Residential Transitional Urban with a Class A Conditional Use to allow a church or place of worship. (**7TH DAY ADVENTIST CHURCH**)

Pages 131-136

Size: 2.93 acres ±

BCC District: 4

MOTION: To approve a time extension until July 22, 2008, for Resolutions R-1999-1217 and R-1999-1218.

F. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 23. **DOA/W2006-180** Title: Resolution approving a Development Order Amendment application of Charlse Watt Communities IV, Inc., by Land Design South, Inc., Agent. Request: To re-designate land use from government service area and recreational to residential; to reconfigure the master plan and add units. Title: Resolution approving a Waiver application of Charlse Watt Communities IV, Inc., by Land Design South, Inc., Agent. Request: To allow deviation from cul-de-sac or dead-end restrictions. General Location: Approximately 0.25 north and west of the intersection of Palmetto Park Road and Lyons Road. **(BOCA LAGO PUD)** (Control 1973-036)

Pages 137-182

Size: 546.5 acres ±
(24.53 affected acres ±)

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

DISCLOSURE

MOTION: To adopt a resolution approving a Development Order Amendment to re-designate land use from government service area and recreational to residential; to reconfigure the master plan and add units.

MOTION: To adopt a resolution approving a Waiver to allow deviation from cul-de-sac or dead-end restrictions.

5. DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT