



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

August 26, 1999

**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
- D. Proof of Publication
- E. Swearing In
- F. Motion to Adopt Agenda
- G. Disclosure

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-3)

3. CONSENT AGENDA (Pages 4-10)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 11-12)

5. DIRECTOR COMMENTS (Page 12)

6. COMMISSIONER COMMENTS (Page 12)

7. ADJOURNMENT (Page 12)

AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, AUGUST 26, 1999

1. CALL TO ORDER.

- A. Roll Call - **9:30 AM**.
- 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 the recommendations of the Land Use Advisory Board 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 August 26, 1999, 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. Motion to Adopt Agenda.
- G. Disclosure.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

1. DOA

78-005(F) Development Order Amendment (DOA) petition of Congregate Torah Ohr, Inc, by Bradley Miller, Agent. Request: Church or place of worship (requested use). General Location: Approx. 0.75 mile north of Glades Rd. on the east side of Lyons Rd. **(HAMPTONS AT BOCA RATON - CONGREGATE TORAH OHR)**.

Page 1

Size: 2.38 (affected) acres ±
19.85 (overall) acres ±

BCC District: 5

MOTION: None required. By right postponement to September 23, 1999.

2. **Z/CB 74-122(A)** Official Zoning Map Amendment (Z) and Class B Conditional Use (CB) petition of Boca Raton Community United Methodist Church, by Steven Tate, Agent. Request: Rezoning from Residential Single Family (RS) to General Commercial (CG). Request: Daycare, general. General Location: Approx. 500 feet west of Lyons Rd. on the north side of Glades Rd. (**BOCA WEST COMMUNITY DAYCARE**).

Page 2

Size: 4.2 acres ±

BCC District: 5

MOTION: None required. By right postponement to September 23, 1999.

3. **SR 89-53.6** Status Report for Resolutions R-90-62 and R-90-63 (Petition 89-53). Property owner: Lake Worth Turnpike Assoc. Inc. Location: northwest corner of Lake Worth Rd. and the Florida Turnpike. Current zoning: CG-General Commercial with a Special Exception for a Planned Commercial Development including 1) an auto service station (no repairs); and 2) car wash.

Pages 3-6

Size: 1.0 acre

BCC District:6

Original Petitioner: Interchange Partners

MOTION: Postpone status report until October 28, 1999.

4. **SR 89-54.6** Status Report for Resolutions R-90-64 and R-90-65 (Petition 89-54). Property owner: Lake Worth Turnpike Assoc. Inc. Location: northwest corner of Lake Worth Rd. and the Florida Turnpike. Current zoning: CG-General Commercial with a Special Exception for 1) a hotel, and 2) an existing public and private utility service (telephone exchange building and substation).

Pages 7-10

Size: 4.5 acres

BCC District:6

Original Petitioner: Lake Worth Turnpike Associates

MOTION: Postpone status report until October 28, 1999.

MOTION: To approve all postponements to dates indicated.

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. WARRANT LIST - Administrative matter not subject to public comment.

Page N/A

MOTION: To approve the warrant list.

C. ADOPTION OF RESOLUTIONS - Zoning petition approved on July 22, 1999, with amended conditions. Administrative matter not subject to public comment.

NOTE: Adoption is mandatory based on prior action by the Board of County Commissioners unless a Board member wishes to clarify an amended condition. Public hearing requirements have been satisfied, therefore, adoption of the resolutions is not subject to public comment.

5. CB 90-003(B) Class B Conditional Use (CB) for a financial institution in the Community Commercial (CC) Zoning District petition of Grand Bank of Florida, by Sara Lockhart, Agent. (**GRAND BANK OF FLORIDA**)

Pages 11-20

BCC District: 3

MOTION: To adopt a resolution affirming zoning action on July 22, 1999.

D. PREVIOUSLY POSTPONED ZONING PETITIONS

6. DOA 80-212(H) Development Order Amendment (DOA) petition of Pipers Glen Limited Partnership, by Joe Lelonek, Agent. Request: Modify/delete conditions in Resolution R-88-1213 and permit a single tenant user in excess of 10,000 square feet (requested use). General Location: NE corner of Pipers Glen Blvd. and Jog Rd. (**PIPERS GLEN COMMERCIAL**).

Pages 21-58

Size: 5.14 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approval, as amended, (5-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to delete conditions in Resolution R-88-1213 and permit a single tenant user in excess of 10,000 square feet.

- 7. **DOA 89-041(C)** Development Order Amendment (DOA) petition of St. Patrick Catholic Church, by Kevin McGinley, Agent. Request: Modify conditions in Resolution R-97-2075. General Location: Approx. 0.5 mile south of Donald Ross Rd. on west side of Prosperity Farms Rd. (**ST. PATRICK CHURCH**).

Pages 59-100

Size: 10.96 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as advertised, (5-0)

MOTION: To adopt a resolution approving a Development Order Amendment (DOA) to modify conditions in Resolution R-97-2075.

E. ZONING PETITIONS - CONSENT

- 8. **DOA 82-184(B)** Development Order Amendment (DOA) petition of Get Ready, Set, Grow, by H. P. Tompkins, Jr., Agent. Request: Reconfigure site plan and add building square footage. General Location: NW corner of Jog Rd. and Morikami Park Rd. (**GET READY, SET, GROW**).

Pages 101-116

Size: 4.05 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as advertised, (5-0)

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to reconfigure site plan and add building square footage.

F. RECEIVE AND FILE ZONING COMMISSION RESOLUTION

- 9. **CB98-49** Class B Conditional Use (CB) petition of Ally Esmail. (**PEANUTS COUNTRY STORE**)

Pages 117-118

MOTION: To receive and file Zoning Resolution ZR-99-07.

G. STATUS REPORTS - CONSENT

10. **SR**

87-124A.4 Status report for Resolution 91-371 (Petition 87-124A). Property owner: Envirotech Technologies and United States Postal Service. Location: approximately 170 feet south of the intersection of Summit Boulevard and Congress Avenue on the west side of Congress Avenue. Current zoning: CG-General Commercial with a Special Exception for a Planned Commercial Development (PCD) to include a financial institution with three (3) drive up teller windows, and an auto service station with an accessory car wash facility.

Pages 119-122

Size: 8.7 acres

BCC District:2

Original Petitioner: Systems Control, Inc.

MOTION: Adopt a resolution to approve a development order amendment to amend the Special Exception for a Planned Commercial Development which includes a financial institution with three (3) drive up teller windows, and an auto service station with an accessory car wash facility to delete the financial institution with three (3) drive up teller windows, and

MOTION: Approve a two-year time extension, from March 26, 1999, to March 26, 2001, to commence development.

11. **CR**
79-161C/
C1.6

Status Report for Resolution R-97-967. (Petition 79-161C). Property owner: New Pine Glen Ltd. Location: southwest corner of Forest Hill Blvd. and Haverhill Rd. Current zoning: RM-Multiple Family Residential (Medium Density) with a Special Exception for a Planned Unit Development (Abbey Park PUD).

Pages 123-132

Size: 23.9 acres

BCC District: 2

Original Petitioner: Coronet Development Corp.

MOTION: Direct staff of the Code Enforcement Division to cite the property owner/developer for failure to comply with condition number C.1. of Resolution R-97-967

MOTION: Direct staff to discontinue the monitoring of resales/rentals for compliance with condition number C.1., beginning with those which occurred in 1998.

12. **SR**
76-165A

Status Report for Resolution R-95-862 (Petition 76-165A). Property owner: Olympus Association. Location: south side of Lantana Rd. approximately 0.5 mile east of Congress Ave. Current zoning: Multiple Family Residential (High Density) with a Special Exception to allow a Planned Unit Development (Olympus/Marina Bay PUD) and a Development Order Amendment to increase the number of units and allow a Voluntary Density Bonus (VDB).

Pages 133-136

Size: 12.04 acres

BCC District:3

Original Petitioner: Olympus Assoc.

MOTION: Approve a time extension until June 22, 2001, for Resolution R-95-862

13. **SR 80-103H**

Status Report for Resolution R-96-813 (Petition 80-103H). Property owner: Four Florida Shopping Centers Property Ltd. Partnership. Location: east side of SR7/US441 approximately 0.10 mile south of Sandalfoot Blvd./SW 14th Street. Current zoning: CG-General Commercial with a Special Exception to allow Development Order Amendment to add square footage (13,000) and allow a fast food restaurant (requested use) within a Planned Commercial Development.

Pages 137-140

Size: 35 acres

BCC District:5

Original Petitioner: Four Florida Shopping Center and Four Florida Shopping Center

MOTION: Approve a time extension until June 24, 2000, for Resolution R-96-813

14. **SR 81-67A.12**

Status Report for Resolution R-84-338 (Petition 81-67A). Property owner: Richard F. Olson. Location: west side of Hagen Ranch Rd., approximately 0.1 of a mile north of Atlantic Ave. Current zoning: CG-General Commercial.

Pages 141-143

Size: 1.1 acres

BCC District:5

Original Petitioner: C and M Nurseries

MOTION: Approve a time extension until June 13, 1999, for Resolution R-84-338.

15. **SR 81-233.2**

Status Report for Resolutions R-82-151 and R-82-152 (Petition 81-233). Property owner: Fairfield Communities, Inc. Location: southwest corner of the intersection of Florida's Turnpike and Lantana Rd. Current zoning: RT-Residential Transitional with a Special Exception to allow a Planned Unit Development (Balmoral PUD), including an on-site water and sewage treatment facility and excavation.

Pages 144-146

Size: 5.9 acres of a 271 acre PUD

BCC District:3

Original Petitioner: Crouch-Palermo Florida Inc.

MOTION: Approve a time extension until June 13, 2000, for Resolutions R-82-151 and R-82-152.

16. **SR 83-82A**

Status Report for Resolution R-95-860 and R-95-861 (Petition 83-82A). Property owner: Nineteen 860 Jog Rd. Ltd. Partnership. Location: east side of Jog Rd. approximately 0.2 mile north of Glades Rd. Current zoning: RTS-Residential Transitional Suburban with a Special Exception for a day care center.

Pages 147-149

Size: 3.5 acres

BCC District:5

Original Petitioner: Lionel G. Astor

MOTION: Approve a time extension until June 22, 2001, for Resolutions R-95-860 and R-95-861.

17. **SR 88-10.5** Status Report for Resolution R-89-345 (Petition 88-10). Property owner: SD & D1 Ltd. Location: approximately 330 feet east of Military Trail, approximately 0.3 of a mile south of Lake Worth Road. Current zoning: RM-Multiple Family (Medium Density) with a Special Exception for a Planned Unit Development, Congregate Living Facility-3, (Devonshire PUD).

Pages 150-153

Size: 4.9 acres BCC District:3

Original Petitioner: Alan D. Reese, Trustee

MOTION: Approve a time extension until June 21, 1999, for Resolution R-89-345

18. **SR 90-13.6** Status Report for Resolution R-90-1444 and R-90-1445 (Petition 90-13). Property owner: Raffael Abbanatte. Location: west side of Lawrence Rd., bounded on the south by LWDD Lateral Canal No. 17, and on the north by Eighth Ct., approximately 0.5 of a mile north of Hypoluxo Rad. Current zoning: RS-Single Family Residential with a Special Exception to permit a Planned Unit Development (Cloutier PUD).

Pages 154-156

Size: 4.1 acres BCC District:3

Original Petitioner: Cloutier Construction Company, Inc.

MOTION: Approve a time extension until June 28, 2000, for Resolutions R-90-1444 and R-90-1445.

19. **SR 92-7.2** Status Report for Resolutions R-93-515 and R-93-516 (Petition 92-7). Property owner: Kathleen B. and Stephen L. Lipkins, et al Trs. Location: northeast corner of the intersection of Hypoluxo Rd. and Military Trail. Current zoning: CC-Community Commercial with a Special Exception for a Planned General Commercial Development, including a fast food restaurant with drive-thru window, auto service station (automatic) and financial institution with 3 drive-up tellers.

Pages 157-160

Size: 8.1 acres BCC District:3

Original Petitioner: Shirley K. Bernstein and Ann K. Schulman

MOTION: Approve a time extension until April 20, 1997, for Resolutions R-93-515 and R-93-516.

20. **SR 92-47** Status Report for Resolution R-93-646 (Petition 92-47). Property owner: National Museum of Polo & Hall of Fame, Inc. Location: northwest corner of the intersection of Lake Worth Rd. and Lyons Rd. Current zoning: AR-Agricultural Residential with a Class A Conditional Use allowing an assembly, non-profit.

Pages 161-164

Size: 9.79 acres BCC District:6

Original Petitioner: Ropico Inc.

MOTION: Adopt a resolution to amend conditions of approval (rezone) in Resolution R-93-646, and approve a time extension until May 27, 2001, to commence development.

- 21. **SR 96-26** Status Report for Resolution R-96-816 (Petition 96-26). Property owner: RD Family, Ltd. Partnership. Location: south side of Okeechobee Blvd., approximately 0.25 mile east of Congress Ave. Current zoning: CG-General Commercial with a Class A Conditional Use to allow a fast food restaurant within the Westgate CRA Overlay District.

Pages 165-167

Size: 0.52 acres BCC District:2

Original Petitioner: Roger Dean

MOTION: Approve a time extension until June 24, 2000, for Resolution R-96-816

- 22. **SR 96-31** Status Report for Resolution R-96-994 (Petition 96-31). Property owner: MDL Realty Co. & Z. E. Taheri TR. Location: east side of Jog Rd., approximately 0.1 mile south of Belvedere Rd. Current zoning: Planned Unit Development (Taheri PUD).

Pages 168-170

Size: 91.75 BCC District:6

Original Petitioner: Z.E. Taheri & MDL Realty Co.

MOTION: Approve a time extension until July 25, 2001, to record a plat for Resolution R-96-994.

- 23. **CR 98-10/E6** Status Report for Resolution R-98-1316 (Petition 98-10). Property owner: Ronald C. & Joann Turner. Location: southwest corner of El Clair Ranch Road and Boynton Beach Boulevard. Current zoning: Multiple Use Planned Development, with Congregate Living Facility Type 3 and Medical Office.

Pages 171-177

Size: 17.9 acres BCC District:5

Original Petitioner: Ron Turner

MOTION: Revoke concurrency for Resolution R-98-1316, and to adopt a resolution to amend conditions of approval (concurrency, condition compliance) for R-98-1316.

H. ADMINISTRATIVE INQUIRIES - PREM

- 24. **AI-99-08** Civic Site Cash-out for Wellington Glen Lake Estates (Petition 96-084)

Pages 178-180

- 25. **AI-99-09** Civic Site Cash-out for Brighton Summit (Petition 98-053)

Pages 181-183

- 26. **AI-99-10** Civic Site Cash-out for Lester PUD (Petition 98-056)

Pages 184-186

- 27. **AI-99-11** Civic Site Cash-out for Boynton Estates II (Petition 95-115)

Pages 187-189

28. **AI-99-12** Civic Site Cash-out for Winterplace (Petition 96-129)
Pages 190-192

I. CORRECTIVE RESOLUTIONS

29. **PDD99-021** Corrective Resolution: To correct Condition K.1 of Resolution R-99-1151 (VIA ADDISON).

Pages 193-194

MOTION: To adopt a resolution to correct Condition K.1 of Resolution R-99-1151.

30. **PDD97-101** Corrective Resolution: To correct Conditions G.1.c and G.2.d of Resolution R-99-408 (OXLEY NORTHERN PUD)

Pages 195-196

MOTION: To adopt a resolution to correct Conditions G.1.c and G.2.d of Resolution R-99-408.

31. **SR 88-134.5** Corrective Resolution: To correct the legal description of Resolution R-97-1297

Pages 197-198

MOTION: To adopt a resolution to correct the legal description of Resolution R-97-1297.

32. **SR 78-174A.5** Corrective Resolution: To correct language for action taken by the Board of County Commissioners by the adoption of Resolution R-97-1294.

Pages 199-200

MOTION: To adopt a resolution to correct language for action taken by the Board of County Commissioners by the adoption of Resolution R-97-1294.

J. ABANDONMENT RESOLUTION

33. **SE87-077** Request: To revoke Resolution R-88-1208 approving a Special Exception to allow an Auto Service Station.

Page 201

MOTION: To adopt a resolution approving the Abandonment of Resolution R-88-1208.

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 -

5. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

34. Z/CA
99-033

Official Zoning Map Amendment (Z) and Class A Conditional Use (CA) petition of Poupore Limited Family Partnership, by Joe Lelonek, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Transitional Suburban (RTS). Request: Daycare, general. General Location: SW corner of Lantana Rd. and Hagen Ranch Rd. (**KIDSTOWN LEARNING CENTER**).

Pages 202-219

Size: 2.09 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Denial (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Transitional Suburban (RTS).

MOTION: To adopt a resolution approving the request to allow a general daycare.

C. ZONING PETITIONS

35. EAC
83-121(D)

Development Order Amendment/ Expedited Application Consideration (EAC) petition of Anthony J. O'Connell, Bishop, Diocese of Palm Beach, by Kevin McGinley, Agent. Request: Church or place of worship (requested use) and an additional access. General Location: SW corner of SR7 and Yamato Rd. (**ST. JOHN THE EVANGELIST CHURCH**).

Pages 220-238

Size: 8.5 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to allow a church or place of worship and an additional access.

- 36. **PDD99-035** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Delray Funeral Homes, Ltd., by Robert Bentz, Agent. Request: Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with funeral home and financial institution (requested uses). General Location: SW corner of Woolbright Rd. and Jog Rd. (**WOOLBRIGHT & JOG MUPD**).

Pages 239-256

Size: 3.85 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approval, as amended, (5-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a funeral home and a financial institution.

D. PUBLIC FACILITIES AGREEMENT AND ZONING PETITION

- 37. **PDD99-040** Public Facilities Agreement for Nautica Shores PUD

Pages 257-276

MOTION: To approve a Public Facilities Agreement for PDD99-040 (Nautica Shores PUD)

- 38. **PDD99-040** Official Zoning Map Amendment to a Planned Development District (PDD) petition of G. L. Homes of Florida, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD). General Location: Approx. 1,400 feet south of Melaleuca Ln. on the west side of Haverhill Rd. extension (**NAUTICA SHORES PUD**).

Pages 277-310

Size: 120.0 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approval, as amended, (5-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD).

6. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

- 39. AI-99-13 Eternal Light Memorial Gardens Cemetery (75-11)

Pages 311-312

B. PLANNING DIRECTOR.

C. COUNTY ENGINEER.

- 40. Proposed Traffic Separator Beautification Thresholds

Page 313

7. COMMISSION COMMENTS.

8. ADJOURNMENT.