

**Board of County Commissioners**

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

**August 24, 2000**

**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 1-3)**
- 3. CONSENT AGENDA (Pages 4-9)**
  - " Staff
  - " Board
  - " Public
- 4. REGULAR AGENDA (Pages 10-12)**
- 5. DIRECTOR COMMENTS (Page 12)**
- 6. COMMISSIONER COMMENTS (Page 12)**
- 7. ADJOURNMENT (Page 12)**

# AGENDA

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, AUGUST 24, 2000

### 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 24, 2000 at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication - Motion to receive and file.
- E. Swearing In - County Attorney.
- F. Motion to Adopt Agenda.
- G. Disclosure.

### 2. POSTPONEMENTS AND WITHDRAWALS

#### A. POSTPONEMENTS

- 1. **CA**  
**99-030(A)** Class A Conditional Use (CA) to allow a daycare, general, petition of Palm Beach Country Estates Homes, Inc., by Steven Mickley, Agent.  
General Location: NE corner 64th Drive North and Donald Ross Rd.  
**(P.B. COUNTRY ESTATES PRE-SCHOOL).**

Page 1

Size: 2.25 acres ±

BCC District: 1

MOTION: To postpone until September 28, 2000. (Requested by petitioner. Staff has no objection.)

2. **Z/CA  
2000-018** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Transitional (RT) and a Class A Conditional Use (CA) to allow a church or place of worship, petition of First Romanian Baptist Church of West Palm Beach, Inc., by Beril Kruger, Agent. General Location: Approx. 1,700 feet west of Haverhill Rd. on the south side of Melaleuca Lane (**FIRST ROMANIAN BAPTIST CHURCH**).

N/A

Size: 4.92 acres ±

BCC District: 3

MOTION: To postpone until September 28, 2000. (Postponed by Zoning Commission.)

3. **DOA  
96-105(A)** Development Order Amendment (DOA) to modify/delete conditions in Resolution R-97-1097; add building square footage; reconfigure master plan; add 2nd self-storage facility and vehicle rental (requested uses) petition of Delray Land Co. of Iowa Inc. and Portalegre, by Land Design South, Agent. General Location: Approx. 0.25 mile east of Jog Rd. on the south side of West Atlantic Ave. (**ATLANTIC CENTER MUPD**).

Page 2-30

Size: 9.16 acres ±

BCC District: 5

MOTION: To postpone until October 26, 2000. (Requested by petitioner. Staff has no objection.)

4. **Z/DOA  
96-062(B)** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Single Family (RS) and a Development Order Amendment (DOA) to add land area; add students; reconfigure site plan and modify/delete conditions of approval in Resolution R-97-1569 petition of American Heritage School of Boca Delray, Inc. and William R. Laurie, by Kieran J. Kilday, Agent. General Location: Approx. 1,300 feet east of Jog Rd. on the south side of Linton Blvd. (**AMERICAN HERITAGE SCHOOL**).

Page 31

Size: 6.59 acres ± (affected)  
40.31 ± (overall)

BCC District: 5

MOTION: To postpone until October 26, 2000. (Requested by petitioner. Staff has no objection.)

5. **SR 94-80** Status Report for Resolutions R-95-273 and R-95-274 (Petition 94-80), the petition of Royal Palm Presbyterian Church. Property owner: Royal Palm Presbyterian Church, Inc. General Location: south side of Hypoluxo Rd., east of Jog Rd. Current zoning: Residential Transitional Urban with a Class A Conditional Use allowing a church or place of worship (**ROYAL PALM PRESBYTERIAN CHURCH**).

Pages 32-35

Size: 4.65 acres±

BCC District: 3

MOTION: To postpone status report until November 30, 2000.

## B. WITHDRAWALS

**- END OF POSTPONEMENTS AND WITHDRAWALS -**

4. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS - CONSENT

6. **Z94-080(A)** Official Zoning Map Amendment (Z) from Residential Transitional Urban (RTU) to Residential Transitional (RT) petition of PBC Board of County Commissioners, Maude Ford Lee, Chair. General Location: Approx. 500 feet east of Jog Rd. on the south side of Hypoluxo Rd. (**ROYAL PALM PRESBYTERIAN**).

Pages 36-44

Size: 4.65 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (6-0)

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Transitional Urban (RTU) to Residential Transitional (RT).

7. **CA00-038** Class A Conditional Use (CA) to allow a dog daycare facility petition of Sarah Zolten, by Burt Smith, Agent. General Location: SW corner of Lake Worth Rd. and Military Trail (**CANINE TO FIVE**).

Pages 45-55

Size: 5.85 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a dog daycare facility.

8. **Z00-040** Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Residential Transitional (RT) petition of Adare, Inc., by George Gentile, Agent. General Location: Approx. 800 feet east of Loxahatchee River Rd. on the north side of Pennock Point Rd. (**LITTLE SPRING**).

Pages 56-67

Size: 3.59 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Residential Transitional (RT).

- 9. **Z/CA  
75-104(A)** Official Zoning Map Amendment (Z) from Neighborhood Commercial (CN) to General Commercial (CG) and a Class A Conditional Use (CA) to allow a convenience store with gas sales petition of Marathon Ashland Petroleum, LLC, by Robert Basehart, Agent. General Location: NE corner of Lake Worth Rd. and Kirk Rd. (**SPEEDWAY # 8361**).

Pages 68-89

Size: 0.97 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 for an Official Zoning Map Amendment (Z) from Neighborhood Commercial (CN) to General Commercial (CG).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a convenience store with gas sales.

**C. RECEIVE AND FILE ZONING COMMISSION RESOLUTION**

- 10. **CB  
00-027** Resolution for Nical of Palm Beach (**NICAL OF PALM BEACH**)

Pages 90-96

MOTION: To receive and file Zoning Resolution ZR-2000-014.

**D. STATUS REPORTS - CONSENT**

- 11. **85-91A.7** Status Report for Resolution R-89-1438 (Petition 85-91(A)), the petition of Okeechobee Motel Joint Venture. Property owner: WPB Innkeepers. General Location: north side of Okeechobee Blvd., approximately 220 feet west of West Dr. Current zoning: CG-General Commercial with a Special Exception to amend the site plan for a motel to 1) increase the square footage and 2) decrease the land area (petition # 85-91) (**COMFORT INN**).

Pages 97-101

Size: 2.99 acres ±

BCC District: 6

MOTION: To adopt a resolution to approve a development order amendment to delete the additional square footage approved by the adoption of Resolution R-89-1438, and to amend conditions of approval (drainage and fees) in Resolution R-89-1438.

12. **SR 86-8C.8** Status Report for Resolutions R-90-838 and R-90-839 (Petition 86-8(C)), the petition of Radnor/Higier Partnership #3. Property owner: MDN Lantana, Ltd. and Vastgoed DIM. General Location: SE corner of Lantana Rd. and Jog Rd. Current zoning: CG-General Commercial with a Special Exception to amend the site plan for an existing Planned Commercial Development (PCD) to 1) increase the land area 2) permit an auto service station (tire center) 3) add a financial institution with five (5) drive up teller windows (**PINEWOOD SQUARE PCD**).

Pages 102-105

Size: 4.65 acres±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (road construction) in Resolution R-90-839, and approve a time extension until May 22, 2002.

13. **SR 81-233.3** Status Report for Resolutions R-82-151 and R-82-152 (Petition 81-233), the petition of Crouch-Palermo Florida Inc. Property owner: Fairfield Communities, Inc. General 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, including an on-site water and sewage treatment facility and excavation (**BALMORAL**).

Pages 106-108

Size: 5.9 acres ± (affected)  
271 acre ± (overall)

BCC District: 3

MOTION: To approve a time extension until June 13, 2001, for Resolution R-82-151 and R-82-152.

14. **SR 83-82A.2** Status Report for Resolutions R-95-860 and R-95-861 (Petition 83-82(A)), the petition of Lionel G. Astor. Property owner: Nineteen 860 Jog Road Ltd. Partnership. General Location: east side of Jog Rd. approximately 0.2 mile north of Glades Rd. Current zoning: RTS-Residential Transitional Suburban with a Development Order Amendment to amend the site plan, add square footage, and increase the number of children for an existing day care (**ADDISON ACADEMY DAY CARE**).

Pages 109-111

Size: 3.5 acres ±

BCC District: 5

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

15. **SR 90-13.7** Status Report for Resolutions R-90-1444 and R-90-1445 (Petition 90-13), the petition of Cloutier Construction Company, Inc. Property owner: Raffael Abbanatte. General Location: west side of Lawrence Rd., bounded on the south by LWDD Lateral Canal No. 17, and on the north by Eighth Court, approximately 0.5 of a mile north of Hypoluxo Rd. Current zoning: RS-Single Family Residential with a Special Exception to permit a Planned Unit Development (**CLOUTIER**).

Pages 112-115

Size: 4.1 acres ±

BCC District: 3

MOTION: To approve a time extension until June 28, 2001, for Resolutions R-90-1444 and R-90-1445.

16. **SR-91-23B** Status Report for Resolution R-96-1736 (Petition 91-23(B)), the petition of Palms West Presbyterian Church. Property owner: Palms West Presbyterian Church Inc. General Location: north side of Okeechobee Blvd., approximately 0.1 of a mile west of "F" Rd. Current zoning: RM-Multiple Family Residential (Medium Density) with a Development Order Amendment to add building square footage and redesign the site plan (for a church/place of worship and accessory buildings and structures) (**PALMS WEST PRESBYTERIAN CHURCH**).

Pages 116-118

Size: 8.0 acres ±

BCC District: 6

MOTION: To approve a time extension until July 10, 2002, for Resolution R-96-1736.

17. **SR 92-7.3** Status Report for Resolutions R-93-515 and R-93-516 (Petition 92-7), the petition of Shirley K. Bernstein and Ann K. Schulman. Property owner: Kathleen B. and Stephen L. Lipkins, et al Trs. General 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 (**LIPKINS PCD**).

Pages 119-122

Size: 8.1 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (site plan) in Resolution R-93-516, and approve a time extension until June 24, 2001.

18. **SR 94-87A** Status Report for Resolutions R-97-774 and R-97-775 (Petition 94-87(A)), the petition of Our Lady Queen of Peace. Property owner: Anthony J. O'Connell, Bishop of Diocese of Palm Beach. General Location: south side of West Atlantic Ave., approx. 1.5 miles west of the Florida Turnpike. Current zoning: Agricultural Reserve (**OUR LADY QUEEN OF PEACE**).

Pages 123-125

Size: 6.88 ±

BCC District: 5

MOTION: To approve a time extension until June 23, 2002, for Resolutions R-97-774 and R-97-775.

19. **SR 95-90** Status Report for Resolution R-96-131 (Petition 95-90), the petition of Robert F. Griffith, Jr. & Gene Moore, III. Property owner: Mariner Health Care. General Location: east side of Lawrence Rd., approx. 0.1 mile north of Old Boynton West Rd.. Current zoning: Single Family Residential with a Class A Conditional Use to allow a nursing facility or convalescent center (**MARINER HEALTH CARE**).

Pages 126-128

Size: 9.59 acres ±

BCC District : 3

MOTION: To approve a time extension until June 25, 2002, for Resolution R-96-131.

20. **SR 96-26.2** Status Report for Resolution R-96-816 (Petition 96-26), the petition of Roger Dean. Property owner: RD Family, Ltd. Partnership. General 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 (**BAGELS TO GO**).

Pages 129-131

Size: 0.52 acres ±

BCC District: 2

MOTION: To approve a time extension until June 24, 2001, for Resolution R-96-816.

21. **SR 96-80** Status Report for Resolution R-97-781 (Petition 96-80), the petition of Murray D. Logan, Clarence A. Vogel, and David A. Logan. Property owner: Tidal Wave Inv. Corp., Inc. General Location: east side of Tall Pines Rd. approx. 924 feet north of Wallis Rd.. Current zoning: Light Industrial (**LOGAN REZONING**).

Pages 132-134

Size: 3.0 acres ±

BCC District: 6

MOTION: To approve a time extension until June 23, 2001, for Resolution R-97-781.

22. **CR 79-134A** Status Report for Resolution R-99-1145 (Petition 79-134(A), the petition of Florida Childcare Properties, I, L.C. Property owner: Florida Childcare Prop I Lc. General Location: south side of Sandalfoot Blvd., 1/4 mile west of SR7/US 441. Current zoning: RM-Multiple Family (Medium Density) Residential with a Special Exception for a day care center. (**LEARNING EXPERIENCE OF WEST BOCA**)

Pages 135-138

Size: 1.00 acre ±

BCC District: 4

MOTION: To approve a time extension until July 1, 2001, for condition numbers A.2, A.3., and E.3. Resolution R-99-1145.

23. **CR 82-118C/H7** Status Report for Resolution R-99-1150 (Petition 82-118(C)), the petition of HNK Assoc., HIN, Ltd. Property owner: HNK Assoc. Inc. and HIN, Ltd. General Location: south side of Forest Hill Blvd., 800 feet west of Military Trail. Current zoning: General Commercial with a Development Order Amendment to allow a church or place of worship. (**FOREST HILL PLAZA**)

Pages 139-142

Size: 3.0 acres ±

BCC District: 2

MOTION: To approve a time extension until January 31, 2001, for condition number H.7. Resolution R-99-1150.

**E. CORRECTIVE RESOLUTION**

24. **PDD 90-17(A)** Corrective Resolution: To correct Condition A.1 of Resolution R-97-0780 (**BOYNTON SELF STORAGE**)

Pages 143-144

MOTION: To adopt a resolution to correct Condition A.1 of Resolution R-97-0780.



**F. ABANDONMENT RESOLUTION**

25. **ABN  
76-177(A)** Abandonment Resolution: To abandon the Special Exception granted by Resolution R-84-504 to allow an automotive repair and tire facility.  
(**TOMBSTONE**)

Pages 145-146

BCC District: 2

MOTION: To adopt a resolution approving the abandonment of the Special Exception granted by Resolution R-84-504.

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. TIME CERTAIN ITEM

2:00 P.M.

- 26. Managed Growth Tier System Code Revision Project  
Presentations by Short-listed Firms and Selection of Consultant by BCC

(under separate cover)

C. CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

- 27. **00-SCA**  
**69 COM 1** KT Family Limited Partnership, by Robert E. Basehart, Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 2 units per acre (LR-2) to Commercial High-Office (CH-O). General Location: west side of State Road 7/US 441, approximately one-half mile north of Forest Hill Blvd. **(STATE ROAD 7 / WELLINGTON)**

Pages 147-176

Size: 2.50 acre ±

BCC District: 6

Staff Recommendation: Denial of the requested future land use change from LR-2 to CH-O.

LPA Recommendation: Denial of the requested future land use change from LR-2 to CH-O (6-3 vote).

MOTION: To **Deny** the request for a future land use change from LR-2 to CH-O.

- 28. **Z/COZ**  
**00-012** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Commercial High Office (CHO) with a Conditional Overlay Zone (COZ) petition of KT Family Ltd. Partnership, by Robert Basehart, Agent. General Location: Approx. 2,000 feet north of Forest Hill Blvd. on the west side of SR 7/US 441 (**WELLINGTON SURGICENTER**).

Pages 177-195

Size: 2.5 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To **deny** the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Commercial High Office (CHO) with a Conditional Overlay Zone (COZ).

**D. PREVIOUSLY POSTPONED ZONING PETITIONS**

- 29. **PDD99-077** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) petition of Arthur Leibovit/Helen Godfriend /Irving Denmark, by Land Design South, Agent. General Location: Approx. 375 feet east of SR 7/US 441 on the south side of Okeechobee Blvd. (**OKEECHOBEE/441 PUD**).

Page 196-227

Size: 37.82 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 for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD).

- 30. **DOA 89-052(B)** Development Order Amendment (DOA) to modify/delete conditions in Resolution R-97-0248 petition of Palm Beach Aggregates, by Joe Verdone, Agent. General Location: Approx. 3 miles west of Seminole Pratt Whitney Rd. on the north side of Southern Blvd. (**PALM BEACH AGGREGATES (aka GKK)**).

Pages 228-278

Size: 3,045 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-1).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to modify/delete conditions in Resolution R-97-0248.

- 31. **PDD 00-032** Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/P) petition of GL Homes of Florida Corp. II, and GL Homes of Palm Beach Assoc. Ltd., by Land Design South, Agent. General Location (parcel 1): Approx. 1.5 miles south of Atlantic Ave. on east side of SR 7/US 441. General Location(parcel 2): Approx. 2.5 miles south of Boynton Beach Blvd. on the west side of SR7/US 441. General Location (parcel 3): Approx. 0.5 mile north of Boynton Beach Blvd. on the west side of SR 7/US 441 (**SUSSMAN AGR-PUD**).

Pages 279-323

Parcel 1 - Size: 172.82 acres ±

BCC District: 5

Parcel 2 - Size: 93.47 acres ±

BCC District: 3

Parcel 3 - Size: 176.15 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/D) and two (2) Official Zoning Map Amendments (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/P).

**E. ZONING PETITIONS**

- 32. **PDD**  
**99-076(A)** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Clinton Communities, by Chuck Millar, Agent. General Location: Approx. 400 feet east of Benoist Farms Rd. on the north side of Belvedere Rd. (**COLONY PARK PUD**).

Pages 324-346

Size: 16.3 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

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

- 33. **DOA**  
**98-077(A)** Development Order Amendment (DOA) to modify/delete conditions of approval and reconfigure master plan petition of Herbert F. Kahlert and Karl A. Kahlert, by Kieran Kilday, Agent. General Location: NE corner of Lake Worth Rd. and Lyons Rd. (**VILLAGE CORNER MUPD**).

Pages 347-373

Size: 17.94 acres ±

BCC District: 6

Staff Recommendation: Denial.

Zoning Commission Recommendation: Approved as amended, (4-1).

MOTION: To adopt a resolution for a Development Order Amendment (DOA) approving the request to modify Condition E.5 and **denying** the request to modify conditions P.2 and P.4 and reconfigure the master plan.

**F. TDR ANNUAL REPORT**

- 34. The 1999-2000 TDR Annual Report will be presented.

(under separate cover)

**6. DIRECTOR COMMENTS.**

- A. ZONING DIRECTOR.
- B. PLANNING DIRECTOR.
- C. COUNTY ENGINEER.

**7. COMMISSION COMMENTS.**

**8. ADJOURNMENT.**